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ROMANÆ HISTORIAE ANTHOLOGIA RECOGNITA ET AVCTA.

AN ENGLISH EXPOSITION OF THE ROMAN ANTIquities, wherein many Roman & English offices are paralleld and divers obscure phrases explained

For the vse of ABINGDON Schoole.

Newly revised and inlarged by the Author.

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VIRO COLENDISSIMO

Dº IOANNI YOVNG SS. THEOLOGIÆ DOCTORI, & Ecclesiæ WINTONIENSIS *Decano Ornatißimo.*

Εὐδαιμονέςατα διάγειν

Vir Ornatißime,

NON liberi quàm libri pluribus exponi periculis solent, cùm primum prodeant in lucem: vtrisq; pariter opus est tutelari aliquo numine obstetricante. Hoc olim sensit Anthologia hæc nostra primum edita: idem sentit eadem in hodierna duarum sectionum, & capitulorum aliquot superfœtatione. Nacta igitur secundas suas cogitationes te ambit Patronum, qui facem aliquam mihi in his antiquitatibus obambulanti prætulisti, & quem multum fuisse in

ſtudijs meis promovendis, palam, & ſub Dio prædico. Videbis me aliquoties alium à doctiſſimis viris, & ab illorum ſententijs alienum: Veritate enim præponderante, nullus apud me Plato, nullus erit Ariſtoteles, (nolo ego iſtiuſmodi inſaniam inſanire, vtcunque ſplendidam & *autoritatiuam*:) Cæterùm tacitus hoc facio, & apud me, citra omnem velitationis pulverem, rarò admodum quovis protracto in arenam, ne videar ex illorum numero, qui ex nuda pugna cum adverſario aliquo eximio commiſſa, gloriolæ neſcio quos fumos ſibi pollicentur. Hæc ſcribendi ratio ſi tibi placeat, alios non moror, quibus ſi ſimplex veritas non arriſſeret, cum magnis nominibus deviare per me licebit. Vale, & meas Muſas, vt ſoleas, ama; illæ, quod iam faciunt, te colent ſemper, & omni obſequio proſequentur. *Datum Abindoniæ* 14. *Calend. Decemb. Anno χριστιανι* 1622.

Dignitati tuæ

multiplici nexu mancipatus,

THO. GODWYN.

BENEVOLO LECTORI

Εὐπράτην, Εὐκρίτην.

MIRARIS forsan & redarguis, quòd nondum destitum ab his elementaribus; quasi vita mihi vitalis foret, in his minutijs integram meam ætatem eludere, & votum vnicum in his prævijs studijs senium contrahere. Qui sic sentis, nec me satis noris; nec ludi literarij (pone lenocinium nominis, moletrinæ dices) iniquas leges, aut miserias quotidianas, & omnigenas. Sentio ego me in pistrinum damnatum, & cogita tu hanc Anthologiam è pistrino prodeuntem. Si minus placeat, illud dabis puerorum circumstrepentium susurris, inter quos nata est: Si placeat, illud debes puerorum crebris interrogatiunculis, quarum enodationes, me vel invitum indies reducunt ad hæc studia, quæ alias jamdudum jussissem suas sibi res habere; Sic me amet Theologia, sacratior mihi pagina in votis, cùm hæc in manibus, ludo cogente. Interim te monitum velim, quæ accessere, non vulgaria, aut obvia, nec quæ vulgus hominum, aut docuit, aut didicit. Vale.

A ſhort table ſhewing the argument of *every Booke and Section.*

Lib.

1 *Of the Roman citie. Sect.*
- 1. *Of the chiefe parts thereof.*
- 2. *Of the generall diviſions of the Roman people.*

2 *Of the Roman Religion. Sect.*
- 1. *Of certaine generall diviſions of their Gods.*
- 2. *Of their Roman Prieſts with ſome particular Gods, together with their rites in mariages and burialls.*
- 3. *Of the Roman games, which endeth with their manner of taking meat.*

3 *Of the ſtate politicall. Sect.*
- 1. *Of their aſſemblies called Comitia, which Section is begun with the Roman yeare, concluded with two chapters of Roman garments.*
- 2. *Of their civill Magiſtrates.*
- 3. *Of their civill puniſhments.*
- 4. *Of all thoſe lawes which I haue obſerued to be touched in Tully his orations.*

4 *Of the art military, as it was practiſed by the Romans. Cap.*
- 1. *Of their manner obſerued in eſtabliſhing their leagues.*
- 2. *Of the Roman Legion and the parts thereof.*
- 3. *Of the manner of beſieging a city.*
- 4. *Of the puniſhments towards their enemies captivated.*
- 5. *Of puniſhments towards the Roman ſouldiers offending.*
- 6. *Of certaine rewards after the performance of any noble exploits.*

A Table showing the Organization of
every Regiment of Militia.

THE ROMANE ANTIQVITIES

Expounded in Engliſh

LIB. 1. Sect. 1.

Of the chiefe parts of the Citty.

CAP. 1.

De modo condendarum, delendarumq́, vrbium.

BEfore we handle the deſcription of the particular places in the Romane Citie, it will not be amiſſe to premiſe ſome what concerning the ancient manner of building and raizing Cities. In the building of Cities, the founders thereof did vſually conſult with their Gods in their *Augurall* obſeruations; & [a] this courſe was obſerued by *Romulus* himſelfe, in the firſt foundation of *Rome*; After their *Augurall* obſervations, they marked out the place where the wall of the Citty ſhould be built, by plowing vp the ground, & becauſe they left that ſpace of ground vnplowed, lightly lifting the plough over it, where they ap-

[a] M. Tullius lib. 1. de diuinat.

pointed the gate of the city, thence *a portando*, from caryng and lifting the plough, they called the gate *Porta*. This cu-
[b] M. Cato in fragm. stome is fully described by [b] *Cato*: *Captato augurio, qui vrbem novam condebat, tauro & vaccâ arabat: vbi arâsset murum faciebat, vbi portam volebat esse, aratrum tollebat & portam vocabat.* *Virgil* also alludeth vnto it,

Interea Æneas vrbem designat aratro,

The manner hereof was, that he who held the plough, did cast vp the skirt of his gowne on the right shoulder, & gird himselfe about, either because this was the vsuall habit of such who performed holy rites; in the number of which this present action was reputed; or that he might the more readilie addresse himselfe to the businesse; or lastly, that hee might symbolically by that pacifical habit intimate, that the flourishing estate of a Citie is not so much preserued by warre, as by peace. Hence *Ovid, lib. 4. Fastorum.*

Ipse tenens stivam, designat mœnia sulco,
Alba iugum niveo cum bove vacca tulit.

[c] Cæl. Rhod. antiq. lib. 26. cap. 5. The [c] like custome was vsed also in the razing or demolishing of cities, when they had beene vanquished by the enemies. which obseruation giueth light to that of *Horace*. Lib. 1. Od. 16.

——— *vrbibus vltimæ*
Stetêre causæ, cùm perirent
Funditus, imprimeretque muris
Hostile aratrum exercitus insolens.

CAP. 2.

De monte Palatino,

[d] Vid. Anton. Constantium in Ovid. Fast. lib. 1. TOuching the name of *Rome*, from what occasion the citie should be so denominated, diuerse authors conceit diuerslie. [d] Some are of opinion, that this citie was built long before *Æneas* came out of *Troy*, & was then called by the

the Latines *Valentia*, which was a name of strength, whence *Euander* comming into *Italy*, called it *Roma* from ῥώμη *Robur*. Others say, it was so called from *Ascanius* his daughter, whose name was *Roma*. But it is agreed vpon by most Writers, that the Founders were *Romulus* & *Remus*, & from *Romulus* it was called *Roma*, not *Romula*, because the diminitiue, *Romula*, might ominate lesse prosperity there vnto. [e] Some say, that the built it in forme of a quadrangle, vpon one only hill, called *Mons Palatinus*. [f] Others say, that *Fabius* left *Rome* as it was first built, with the fields thereof, painted in the forme of a bow, the riuer *Tiber* being the string thereof. Vpon this *Palatine* hill, was alwaies the seat of the Romane Empire, which from the hill tooke the denomination of a Pallace & hence all [g] stately buildings which we call Pallaces, took their name, *Palatia*. This hill had his first appellation [h] *Balatinus à Balando*, from the bellowing of cattle pasturing there in former times, and afterwards the first letter being changed, it was called *Palatinus*: by the figure ἀλλιτέρων. *Virgil* seemeth to be of opinion, that the hill was called *Palatinus*, by *Euander* in remembrance of his grandfather, whose name was *Pallas*, according to that

---- Posuere in montibus vrbem,
Pallantis proaui de nomine Palanteum. Virg. Æneid. l. 8.

In processe of time six other hills by seuerall Kings of *Rome* were added; whereby the city, and the *Pomarium*, that is, the territories of the city were enlarged: and *Rome* called *Vrbs septicollis, id est*, the city vpon seuen hills.

Sed quæ de septem totum circumspicit orbem
Montibus, imperij Roma deumq; locus. Ouid. Trist. lib. 1. Eleg. 4.

Vpon this *Palatine* hill also stood the *Asylum*, or sanctuarie of refuge, which *Romulus* opened [i] in imitation of *Cadmus*, who at the building of *Thebes* was said to haue opened a sanctuarie of refuge, whether whatsoeuer malefactor could escape, were he bond or free, he was not to be punished. It was much

[e] Rosin. antiq. lib. 1. cap. 2.
[f] Sigon. de iur. Rom. lib. 1. c. 2.
[g] Rosin. antiq. lib. 1. cap. 4.
[h] Vid. Seruium in Æneid. lib. 8.
[i] Alex. Gen. dier. l. 3. c. 20. vbi plura lectione digna de Asylis,

much like vnto a cuſtome of the people in the Citie *Croton* who flying vnto the altars of their Gods, obtained the forgiueneſſe of faults not voluntarily cõmitted. Whence theſe two phraſes are expounded alike, *Ad te tanquàm ad Aſylũ*, and, *Ad te tanquam ad aram confugimus, id eſt*, we fly vnto thee as our only refuge.

Cap. 3.

De monte Capitolino.

THis hill was famous for three names: it was called *Capitolium*, *mons Tarpeius*, and *mons Saturni*. It was named *Saturnes* hill [k] from the heatheniſh God *Saturne*, who vouchſafed to vndertake the protection of that place. It was named the *Tarpeian* hill [l] from *Tarpeia* one of the Veſtall Nuns, daughter to the chiefe keeper of the Capitoll, (this hill being the caſtle of defence for the whole towne) For this *Tarpeia* betrayed the Capitoll into the enimies hands, bargaining to haue the golden braceletes vpon her enimies left hands, for this her treaſon. Now the enemies when they were admitted in, did caſt not their braceletes alone, but their bucklers alſo vpon her, through the weight whereof ſhe was preſſed to death: vpon which occaſion the whole hill was afterwards called, the *Tarpeian* mount; but more principally a certaine rocke of that hill called *Tarpeia rupes*, from whence malefactors were ſundry times tumbled headlong. The ſame was likewiſe called the *Capitoll*, becauſe when the foundation of a certaine Temple, built in the honour of *Iupiter* was laide; a mans head, full freſh and liuely, as if it had beene lately buried, [m] yea hot blood iſſuing out of it, was found there. [n] *Arnobius* ſaith, that the name of this man being aliue was *Tolus*, & hence from *Caput* and *Tolus*, the whole hill was called *Capitolium*.

[k] Roſin. antiq. lib. 1. c. 5.

[l] Plutarch. in Romulo.

[m] Dion. Halicar. lib. 4.

[n] Lipſius de magnitud. Rom. cap. 5.

Cap.

Cap. 4.

De colle Quirinali.

THis hill being in former time called *Agonalis*, then began to be called *Quirinalis*, when certaine *Sabines*, called in Latine *Curetes*, came and inhabited there, (truce being made betweene the *Romanes* & the *Sabines*:) though ſome would therefore haue it named *Quirinalis*, becauſe there was a Temple erected in the honour of *Romulus*, called alſo *Quirinus*. It was called in the time of the Emperours *mons Caballus*, that is, the horſe hill, taking its denomination from. two marble ſtatues of *Alexander* taming his horſe *Bucephalus*; which ſtatues *Conſtantine* the Emperour brought to *Rome*, and placed them in the midſt of certaine bathes, which he made vpó this hill. There doe appeare in this hill three riſings, or hillocks; the one being called *Salutaris*, the other *Martialis*, and the third *Latiaris*. All this may be collected out of [o] *Roſinus*.

[o] Antiq Rom. l.1.cap.6.

Cap. 5.

De monte Cœlio.

THis hill hath his name from a certaine [p] Captaine of *Hetruria*, which aſſiſted *Romulus* againſt the *Sabines*. On this hill, King *Tullus Hoſtilius* erected ſtately edifices, which for a time ſerued as his Palace: but afterward they became the chiefe Councell-houſe, whether the *Senatours* aſſembled themſelues, for the determining of State-matters: and becauſe this *Curia*, did farre exceed all others, therefore Authors many times vſe this word [q] *Curia* ſimply, without any adiunction, to ſignifie *Curiam Hoſtiliam*, as if there were no other. It much reſembleth our Priuy-councell

[p] Alex. Gen. dier. l.6. c.11.

[q] Alex. Gen. dier. l.3. c.16?

Chamber, in respect that none might sit there, but only *Senatours*; where as in the court house (which *Pompey* built) being therefore called *Curia Pompeia*) [r] other City Magistrats were admitted amongst the *Senatours*: & in *Curia Iulia*, *id est* the Court-house which *Iulius* made, were examined [s] forreigne matters, as Embassages: but in *Curiâ Hostiliâ* domesticall matters onely were treated of, & that onely by the *Senatours*. [t] At this present time, this hill is beautified with many Christian Churches, as the Churches of S. *Stephen*, S. *Paul*, and S. *Iohn*, our Sauiours Hospitall, &c. [u] It was also called *Mons Querculanus*, from the abundance of oakes growing there.

[r] Rosin antiq. lib 7. c. 6.

[s] Rosin. Ibid.

[t] Munster. in sua Cosmog. lib. 2. cap. 9

[u] Alex. Gen. dier. l. 6. c. 11.

Cap. 6.

De monte Esquilino.

THis hill was so named *quasi* [x] *excubinus ab excubijs*, *id est*, from the night watching, which *Romulus* did vndertake vpon that, some what distrusting the fidelity of the *Sabines*, in the beginning of their league. In this hill there were three hillockes named, *Cispius*, *Oppius*, and *Septimius*.

[x] Rosin. antiq. l. 1. cap. 8.

Cap. 7.

De monte Aventino

THe *Aventine* mount, tooke his name [a] from *Aventinus*, a certaine King of *Albanum*, which was there buried. Vpon this hill stood *Hercules* his Altar, and certaine Temples consecrated to *Iuno*, *Diana*, *Minerua*, *Lucina*, and *Murcia*, *id est*, *Venus*: whence the hill hath sometimes beene called *Diana* her hill, and *mons Murcius*. Vpon [b] this Mount, *Remus* would haue built *Rome*, and therefore it was called *Remonius mons*: but since, it hath beene called *Mons Rig-*

[a] Alex. Gen. dier. l. 6. c. 11.

[b] Plutarch, in Romulo.

Rignarius, as it appeareth by *Plut.* in the ſame place. It had moreouer the name of the *Holy Mount*, being called in Latine *Mons ſacer*.

Cap. 8.

De monte Viminali.

BEcauſe of the abundance of wicker twigs, which did grow vpon this hill, it was called *Mons Viminalis*, *vimen* ſignifying a twigge or ozier. I am not ignorant, that ſome would haue this hill to be named *Viminalis*, from *Iupiter Vimineus*, wheras *Iupiter* himſelfe was named *Vimineus* from this hill, becauſe he had here many altars erected in the honour of him. Both this hill, and *Iupiter*, were called *Fagutales*, from *ſylua fagea*, *id eſt*, a cops of Beech-trees, which did grow thereupon. *Vid. Roſin. Antiq. lib. 1. cap. 9.*

Cap. 9.

De tribus collibus adiectis.

THree [c] other hills there were, which in proceſſe of time were added vnto the City; which partly becauſe they were not included within the *Pomarium* ſo ſoone as the other, but chiefely becauſe they were not of ſuch note, therefore *Rome* retained the name *Septi-collis*. The firſt of thoſe hills was called *Collis Hortulorum*, *id eſt*, the hill of Gardens, ſo tearmed becauſe of the many gardens neere adioyning. [d] Here was the *Cirque*, or the ſhew place of the ſtrumpet *Flora*, which made the people of *Rome* heire to thoſe goods which ſhe had gotten by proſtituting her body to young Gentlemen, leauing alſo a certaine ſumme of mony to procure a celebration of her birth day: which becauſe of her infamie, the people ſhaming to doe, they feigned her to bee the

[c] Roſin. Ant. lib. 1. cap. 12.

[d] Barthol Latomus in Vertin. Orat. 7.

the Goddesse of flowers, and that she must be first appeased, by sports and plaies, performed in the honour of her, before the trees and fruits of the earth would prosper; [e] and that they might gaine the better credit vnto this their fable, they adde further, that she was once called *Chloris*, and was married vnto *Zephyrus*, from whom by way of dowry shee receiued power ouer the flowers. The second was called *Ianiculus*, from *Ianus* that two-faced God: who, as writers testifie, was there buried. It did lye beyond the riuer *Tiber*, and hath now changed its name, being called from the yellow sands, *Mons aureus*, and through negligence of the Printer, *Montorius*, *id est*, the Golden Mountaine. The third was famous for the many diuinations. and propheſies, vttered vpon it, and thence was it named *Vaticanus* from *Vaticinium*, a fore-telling. [f] It is at this time famous for a Library in it, called *Bibliotheca Vaticana*.

[e] Lactant, de fall. relig. lib. 1. cap. 20.

[f] Munster in sua Cosmog. lib. 2. cap. 8

Cap. 10.

De Foro Romano.

Forum hath diuers acceptions: some times it is taken for a place of negotiation, or marchandising, which wee call a **market place**: and being taken in this sence, it hath commonly some adiectiue ioyned with it, as *Forum boarium*, the beast market, *Forum piscarium*, the fish market, *Olitorium forum*, the hearb market: other times it is taken for any place, whereſoeuer the chiefe gouernour of a Prouince doth conuocate his people together, there to giue iudgment according to the course in law: whence a man is said, *Forum agere*, [g] when hee keepes the assises, and *Forum indicere*, when hee appointeth the place where the Assises shall bee kept. Thirdly, it is taken for a place, where controuersies in law are iudicially determined, and Oratiõs are had vnto the people. At first, of this sort were only three, *Romanum*, *Iulium*

[g] Hubertus in Cic. lib. 3. epistam. 6.

num, & *Auguſtum*, as is clearly evidenced by that of *Martial*,

Atq; erit in triplici par mihi nemo foro.

Afterward the number was increaſed to ſixe diſtinct *Forums*: one called *Forum Iulium* becauſe it was built by *Iulius Caſar*. A ſecond was added by *Octavius Auguſtus*, called therefore *Auguſti Forum*. The third *Forum*, was founded by *Domitian* the Emperour: but by reaſon of his ſudden death, *Nerva* had the finiſhing thereof. It had the name of *Forum Tranſitorium*, the tranſitory *Forum*, becauſe there was *Tranſitus*, *id eſt*, a way or paſſage through it into three ſeverall market places. The ſame *Martial* calleth it ſometimes [h] *Forum Palladium*, becauſe in the middle thereof a Temple was erected in the honour of *Minerva*. A fourth was added by the Emperour *Traianus*, wherein was erected a ſtately columne or pillar 140 cubits high, hauing all the noble exploits performed by *Traianus* engraven in it: another was called *Saluſtij Forum*, becauſe *Saluſt* bought it with divers Gardens adjoyning, which ſince haue been called *horti Saluſtini*. The laſt *Forum*, which indeed was firſt built, and in all reſpects excelled the reſt, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency the *Forum*, as if there were no other *Forum*: where we muſt vnderſtand, that as often as *Forum* is vſed in this latter ſenſe, namely for a pleading place, it is ſo vſed figuratiuely, by the figure Synecdoche: for in truth the pleading place, wherein Orations were had, was but one part of the *Forum Romanum*, namely that chappell, or great building, which they called *Roſtra*. [i] Round about this *Forum Romanum*, were built certaine trads-mens ſhopps, which they termed *Tabernæ*, and alſo other ſtately buildings, called *Baſilica Pauli*. Here was the *Comitium*, or Hall of Iuſtice; the *Roſtra*, *id eſt*, the Orators Pulpet; *Saturnes* Sanctuarie, or the common treaſure houſe; and *Caſters* Temple: of all which in their order.

[h] Lipſius de magnitud. Rom. l. 3. c. 7.

[i] Henr. Salmuth. in Pancirol. lib. rerum deperdit. cap. de baſil. & taber.

Cap. 11.

De Basilicis

Basilicæ where vpper buildings, of great state and much cost, being supported with *Pilæ, id est*, flat-sided pillars; and hauing vnderneath them walkes, much resembling our Cloisters, sauing that the *Intercolumnia*, or space betweene the pillars lay open vnto the very ground. That they were vpper buildings may be collected by the custome of many men, which were wont to walke vnder these Basilicall buildings, and therefore were called *Subbasilicani* by *Plautus*. The vse of these were principally for the [k] Iudges to sit in iudgment: but in their absence it was lawfull for Marchants to deale in their businesses. Those of chiefe note were three, thus named, *Pauli*, *Porcia*, and *Iulia*.

[k] Sigon. de iudicijs lib. 1. cap. 28.

Cap. 12.

De Comitijs.

[l] *Comitium* was a part of the *Forum Romanum*, being a great large hall of iustice, which for long time was open at the top, hauing no couering, and for that reason the assemblies were often dissolued in rainy, or vnseasonable weather. In it stood the *Tribunall*, being a place erected vp on high in forme of our pulpits, but many degrees larger, and in the middest thereof, the *Sella Curulis, id est*, the Iuory chaire, from whence the chief Magistrate administred iustice; other inferior Magistrats sitting on benches on each side, which were called *Subsellia*, because they were lower then the Tribunall. Those which sate vpon these benches had power *cognoscere*, but not *pronuntiare*; much like to our Iustices at Assises, which may examine or informe against a male-

[l] Sig. de iud. lib. 1. cap. 7.

malefactor, but not condemne him. Where wee may obserue the difference betweene *Comitium*, signifying such an edifice, or building, and *Comitia*, signifying the Romane assemblies: both being called *à coeundo*. This hall was many times called by the name of *Puteal Libonis*. The reason of which name is rendred thus by [m] some. That in this *Comitium*, *Attius Navius* did once with a razor cut in two a whetstone, and in memory thereof, his statue was erected, with an hat vpon his head, for *Puteal*, properly doth signify the cover of a well, but in a large acception, it signifieth a broad brimmed hat, as *Celius Rodiginus* noteth in the same place. [n] *Cicero* toucheth this. *Cotem illam, & novaculam defossam in Comitio, supraq; impositum Puteal accepimus.* But why it should be called, *Puteal Libonis*, is yet doubtfull, except happely *Libo* was the first erecter of this statue. That it was a common court, & knowne place of justice, *Horace* witnesseth, *Roscius orabat, sibi adesses ad puteal cras.*

[m] Cæl. Rhod. lib. 10. c. 17.

[n] Cic. de diuinat.

Cap. 13.

De Rostris.

NExt to the *Comitium* stood the *Rostra*, a goodly faire edifice, in manner of the body of a Cathedrall church. In it stood an Orators Pulpet, deckt and beautified with the stemmes of many ships, which the *Romans* got from the people of *Antium*, in a memorable battaile vpon the Sea: And [o] hence from those ship-beakes, called in Latine *Rostra*, hath this place taken its name. It may be Englished, the great Oratory, or place of common-plea.

[o] Hubert, in Cic. ep. lib. 8, ep. fam. 1.

Cap. 14.

De templo Caſtoris.

[a] Suet. in Iulio Cæſare.

ANother part of the *Forum* was a ſanctuary built in the honour of *Caſtor* and *Pollux*: the reaſon thereof was becauſe they appeared vnto the *Romans* in the Latine warre, in the likeneſſe of two Angells ſent from heauen to lead the *Romane* army, and to aſſiſt the Romans againſt the *Latines*: who being vanquiſhed, they ſuddenly were departed out of the field, none knowing how, and even in the ſame moment they appeared vpon their ſweatin horſes vnto the *Roman* Cittizens in the *Forum*, who taking them for ſouldiers, demanded what newes they brought home from the campe: they replied that the *Romans* were conquerors: which newes being delivered they ſuddenly vaniſhed and were ſeene no more. Vpon this occaſion did *A. Poſthumius* being at that time *Dictator*, build a temple in that place of the *Forum*, where they were ſeene in honour of them both. Although in the after Ages, it had the name only of *Caſtors* Temple Whence aroſe the jeſt of *M. Bibulus*, againſt his fellow Conſull *Iulius Caſar*, ſaying; it fared with him, as it did with *Pollux*; *id eſt*, as this temple which was erected in the honour of both the brethren, carried the name onely of *Caſtros* Temple; ſo the great expences in exhibiting ſhewes in the time of their Conſulſhippe, though they were deeper on *Bibulus* his ſide, yet *Caſar* carried away all the thankes, and credite. In ſo much that the people being wont to ſubſcribe the names of both Conſuls at the end of their Deeds, and Charters, for a remembrance of the yeare; that yeare they wrote, Such a thing done; not *Bibulus* and *Caſar*, but *Iulius* ad *Caſar*, being Conſuls.

CAP.

Cap. 15.

De ede Saturni.

Saturnes ſanctuary [q] was the common treaſure houſe, wherein the ſubſidie money which the commons paid vnto the treaſurers called *Quæſtores*, was to be laid vp: wherof divers coniecture diverſly. *Alexander Neop.* [r] ſaith, that *Saturne* found out the vſe of braſen money: and therefore this Temple might be thought the fitteſt place for the treaſury. *Plutarch* thinketh rather, that the making of the treaſurie in that place did allude to the integrity of time, wherein *Saturne* rained, being the Worlds golden Age. [s] But the moſt received opinion, is the ſtrength of the place, whereby it was the ſafer from theeues. The temple by reaſon of the vſe it was put vnto, was called *erarium* from *es*, *id eſt*, Braſſe: which name now is common to all treaſure houſes: for that the firſt money vſed by the *Romans* was of that mettall, vntill the yeare of *Rome* 485. (as *Pliny* witneſſeth lib. 3. cap. 33.) [t] Some are of opinſon, that before the vſe of braſſe, they made mony of leather: whence *Numa Pompilius* is ſaid to haue giuen leather mony in a dole vnto the people. Touching their order obſerved in the treaſurie, wee muſt vnderſtand that their care in providing againſt ſudden dangers was ſuch, that they laid aſide the twentieth part of their receipts, which they [u] called *aurum viceſimarium*, *Incenſimarium*, and *Cimiliarchium*, into an inner Chamber or more ſacred roome, named in Latine *erarium ſanctius*. [x] Wee may read alſo of a third treaſury called *Erarium militare*, wherein *Auguſtus* had appointed that the twentieth part of certain legacies ſhould be laid vp to defray charges in extraordinary wars: where it lay ſo priviledged, that it was a capitall crime to vſe any of it, but in extreame and deſperate neceſſity. Notwithſtanding, howſo-

q Plutarch in Publicola.

r Alex. Gen. dier. l. 4. c. 15.

s Alex. Gen. dier. l. 2. c. 2.

t Alex. Gen. dier. l. 4. c. 15.

u Alex. Gen. dier. lib. 2. c. 2.

x Seruius l. 2. Virg. Georg.

ever it was vſed as a treaſure houſe [x] yet divers Authors teſtifie that the Acts of their ſenate, the bookes of records, together with ſuch bookes, as were for their immeſurable bigneſſe, called *libri Elephantini*, wherein all the names of their Cittizens were regiſtred, and alſo their millitary Enſignes, were contained there. [y] And from thoſe ſtatute bookes called *tabulæ publicæ*, this treaſury was alſo called *Tabularium*, becauſe they were laid vp there.

[x] Alex. Gen. dier. lib. 2. c. 2.

[y] Plutarch in ſu's proble-mat. vid. Franc. Sylvium in Catilinar. 4.

Cap. 16.

De campo ſcelerato.

Campus ſceleratus, the field of execution [z] lying within the Citty, joyned to the gate *Collina*. It was the place where the Veſtall Nuns, if they were deflowred, ſuffered puniſhment after this manner. There [a] was made a Vault vnder the earth with a hole left open aboue, whereby one might goe downe; and within there was a little couch with a burning lampe. and a few victuals whether the defiled Votary was to be brought, through the market place, in a litter ſo cloſed vp with thicke leather, that her mournings might not be heard to the moving of pitty. Shee being thus brought to the place of execution, was let downe by a ladder into the hollow Caue, & the hole preſently ſtopped. And the reaſon why they ſuffered ſuch a kind of death, was becauſe they thought it not fit, that ſhee ſhould bee burnt with fire, which kept not the ſacred fire with greater ſanctity. And it was thought vnlawfull to puniſh them by laying violent hands on them, becauſe they had in former time ſerved in ſo holy a function.

[z] Munſter in ſua Coſmog.

[a] Plutarch. in Numa.

Cap.

Cap. 17.

De Campo Martio.

THe[b] *Campus Martius*, otherwiſe called *Tiberinus*, (becauſe it was neere the riuer *Tiber*) was giuen vnto the Roman people, by *Caia Tarratia*, a Veſtall Virgin: but *Tarquinius Superbus*, the laſt king of *Rome*, did take it from the people, conuerting it to his owne priuat vſe: inſomuch that he ſowed corne there; which when he was depoſed, the *Romans* did caſt into the riuer *Tiber*, iudging it vnfit that any man ſhould reap any comodity from ſo holy a ground. In proceſſe of time, the ſheaues of corne being ſtopped in a ſhallow foard of the riuer, became firme ground, and was called, *The holy Iland*, or *Æſculapius his Iland*. and preſently after the expulſion of *Tarquinius*, this *Campus Martius* was reſtored vnto its former vſe. Beſide the natural pleaſantneſſe of the place it ſelfe, it was beautified with many ornaments brought out of the *Capitoll* (the *Capitoll* being too full) as likewiſe with diuers images of well deſeruing men. Hither did the younger ſort of *Romans* come to exerciſe Chiualry, namely the horſe-race, the foot-race, wreſtling, fencing, caſting the bowle, the ſledg, the dart, vſing the ſling, the bow, vaulting, with ſuch like: and vpon this occaſion it was dedicated to *Mars*, & called by *Strabo*, the **Romans great ſchoole of defence**. [c] The manner of vaulting, was in riding, to leape from one horſe backe vpon another, their cuſtome being for their horſe-men in warre, to lead a ſpare horſe in their hãds, beſides that whereon they did ride, that when the one did ſweat, they leaped vpon the others backe; *à deſiliendo*, thoſe horſes were called *Equi deſultorij*: whence an vnconſtant, wauering, and vnſetled minde, which *Seneca* calleth *Volaticum ingenium*, others haue called *Deſultorium ingenium*. In this field were men of beſt note burned, when they died. Here were the kings, and other Magiſtrates,

[b] Roſin. antiq. lib. 6. cap. 14.

[c] Cœl. Rhod. l. 21. c. 29.

giſtrates at firſt created. In this [d] field of *Mart* alſo was a place at firſt railed, like à ſheep-pen, called therefore *Ovilia*, or *ſepta*; but afterwards it was mounted with Marble ſtone, beautified with ſtately Walkes and Galleries, and alſo with à Tribunall or ſeat of juſtice, within which precinct the people oftentimes aſſembled to giue their ſuffrages toward the election of Magiſtrates. The means of aſcending vp vnto theſe *Ovilia* was not by ſtaires, but by many bridges made, for that time, every pariſh in the aſſembly of pariſhes, and every Tribe, or Ward in the aſſembly of the Tribes, & every hundred in the aſſembly of Centuries hauing his Bridge: whence this proverb was occaſioned, *de ponte deijciendus, id eſt*, hee is to be barred from giuing his voice. [e] Theſe bridges were not made over any river but over the dry land: whence men were ſaid to be caſt, *Non vt periclitarentur de vita, ſed ne ſuffragarentur in Comitijs.*

[d] Seruius in Bucol. eclo. 1.

[e] Ioan. Saxonius in Orat. pro S. Roſcio.

Cap. 18.

De Circo Maximo.

AMongſt other places where the Romans exhibited their Plaies vnto the people, the moſt remarkable was the great Circque, or ſhew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine* Mount, where *Dianaes* Temple ſtood. It was built by *Tarquinius priſcus*, with diuerſe galleries round about it, from whence the *Senators* & Gentlemen of the Citty did behold the running with great Horſes at liſts, the fire-workes, tumbling, the bayting, and chaſing of wild beaſts, &c. In former time, all did ſtand on the ground, being ſheltred from the raine by the help of boards vpheld with forkes in manner of houſe-pentices: and this cuſtome continued vntill the aforeſaid *Tarquinius* erected thoſe Galleries, called *Fori*, making thirty diſtinctions of them

them, alloting euery ward or company their ſeuerall quarters, all the ſeats being able to containe one hundred fiftie thouſand parties. [f] Vnder theſe places were cels, or vaults, where women did proſtitute their bodies, and would buy ſtolne goods, and for this reaſon *Horace* calleth it *Fallacem circum, id eſt,* the deceitfull ſhew-place. There was at the one end of the cirque certaine barriers, *id eſt,* places barred, or railed in, at which place the horſes began the race; and at the other end was the marke, whether the horſes ran it was called in Latin *Meta,* and the barriers *carceres, à coercendo* Whence we ſay *a carceribus ad metam, id eſt,* from the beginning to the ending.

[f] Roſin. antiq. lib. 5. c. 4.

Cap. 19.

De Theatro.

THe Theatre [g] hath his name from the Greeke verbe θεᾶσθαι, *id eſt,* to behold: becauſe the people flocked thither, to behold plaies and ſhewes exhibited to them. The cuſtome [h] firſt ſprang from the ſheepeheards, who leading a contemplatiue life, were wont to compoſe dialogues in meetre, and at their leaſure to recite them vnder the trees preſſed down in forme of an arbor; whence this theatrall tearme σκηνὴ, hath beene deriued from σκιὰ, a ſhaddow, but afterward learned Poets compoſed Comedies, and Tragedies, which were publiquely acted in the Citie vpon a ſtage: and although at the firſt it was counted infamous to frequent them, yet afterwards the Senators themſelues, yea the Emperour, and all the chiefe of *Rome* aſſembled thither. [i] Neither for a long continuance were there any ſeats built, but Commons, and Nobles, promiſcuouſly one with another, all ſtood one the ground: in ſomuch that thoſe which ſtood behinde, raiſed vp places with turfes of earth, which gaue the people occaſion to call the place betweene thoſe

[g] Ioach camerar. in orat. pro L. Flacco [h] Servius lib. 2. Virg. Georg.

[i] Alex. Gen. dier. l. 5. c. 36.

turfes and the ſcaffold, *Cauea, id eſt*, a caue or denne: yea the people that ſtood there, were ſo called frō the place. Though the Theatre be now taken only for the ſtage; yet then by it was vnderſtood the whole roome, where theſe plaies were acted: and it had diuerſe parts, ſome proper to the actours, ſome to the ſpectators. To the actors firſt belonged the *proſcenium, id eſt*, the houſe, whence the players came: where they apparelled themſelues, though ſometimes it is takē for the ſcaffold, or ſtage it ſelfe: ſecondly, the *pulpitum, id eſt*, the ſtage or ſcaffold vpon which they acted: and thirdly, the *ſcena*, that is, the partition which was commōly made of wood not of hangings. Now that the might change their ſceane according to their pleaſure, they made it [k] *Verſatilem, id eſt*, ſo that with enginnes it might vpon the ſuddaine be turned round, and ſo bring the pictures of the other ſide into outward appearance: or otherwiſe *ductilem, id eſt*, ſo that by drawing aſide of ſome wainſcot ſhuttles (which before did hide the inward painting) a new pertition might ſeeme to be put vp: and I thinke becauſe thoſe ſheepheards did act no more at a time, then one of our *Scenes*, hence haue we diſtinguiſhed our plaies into ſo many parts, which wee call *Scenes*. The places which were proper to the ſpectators were diſtinguiſhed according to their degree & ranck; for the remoteſt benches were for the **Commons**, and called *popularia*: the next for the **Knights** and **Gentlemen** of *Rome*; and called therefore *Equeſtria*; the others wherein the **Senators** did ſit were commouly called *Orcheſtra*: this may be collected out of [l] *Lipſius*, [m] *Cœl. Rhodiginus* ſaith, that the *Orcheſtra* was that place ioining to the ſtage, where *Chorus* ſpake to the people at the end of euery act. Diuerſe authors are of *Cœl. Rhod*: his opinion, deriuing the word *Orcheſtra*, from the Greeke ὀρχέομαι, to dance: but it ſeemeth more probable, to haue bin a peculiar place, allotted for the Senators. *Iu. Sat.* 3.

Æquales habitus illic ſimilemque videbis
Orcheſtram, & populum---id eſt, optimates & plebem. The whole

k Seruius, l. 3 Virg. Georg.

l Lipſius de amphith. c. 14.

m Cœl. Rhod. lib. 8. cap. 8.

whole building made for entertainment of the ſpectators, reſembled a triangle or wedge, ſharpe towards the ſtage, & broad behind: whence the whole was denoted by the name *Cuneus*; when *Cuneus* ſignified any particular place about the theatre, then by it we are to vnderſtand that which formerly we call *popularia*, the place for the meaner ſort of people, [n] whence when we would point out a baſe ad ignoble perſon, *Inter cuneos reſidere dicitamus*. There was alſo another kinde of ſcaffold, built quite round, made as it were of two theatres joyned together, it was called *Amphitheatrum*, and differed from the Theatre, only as the full moone doth from the halfe, or a compleat rundle from a ſemi-circle: it [o] reſembled an edge. Vpon this kind of ſcaffold did the Maſters of defence play their prizes, & wild beaſts were baited [p] *In Amphi-theatro gladiatorij ſudi, & concluſarum ferarum venationes exhibebantur*. The *Amphitheatre* it ſelfe in the judgment of [q] *Lipſius* was tearmed *Cavea, ab interiore parte quæ concave erat*; And *Arena* becauſe it was ſtrowed with gravell & ſand, that the blood of ſuch as were ſlaine in the place might not make the place too ſlipery for the combatants. Hence cometh that phraiſe, [r] *In arenam diſcendere*, to goe into the field: & the combatants were thence called *Arenarij*. Here wee muſt note, that howſoeuer the *Amphitheatre* was ſtrowed commonly with common & ordinary gravell, yet ſometimes in their extraordinary ſhewes that gravell was couered & as it were new coated, with the ſerapings & duſt of ſome Extraordinary ſtones, to adde the greater luſtre vnto it: thus much [r] *Pliny* intimateth. *Invenere & alium vſum eius lapidis, in ramentis quoq;, Circum maximum ſternendi, vt ſi in commendatione & candor*. Againe, ſometimes the hollow places or dennes vnder the *Amphitheatre*, in which the wild beaſts were kept, & likewiſe men to be committed with wild beaſts, out of which theſe were let looſe by the lifting vp of trap dores to be hunted or baited vpon the *Amphitheatre*, were called *Cavea*. For we muſt

[n] Carl. Rhod. lib. 8 cap. 8.

[o] Turneb. ad. verſ. lib. 5. c. 5.

[p] Holp. de. o. ng feſt.

[q] Lipſ. de. Amphith. c. & 3.

[r] Plin. lib 36.

know that the *Amphitheatre* was full of hollow paſſages for many reaſons, as for the conueniēt keeping of wilde beaſts, and beaſtiaries; ſo ſometimes for the better conueying of waters thither, by the meanes whereof [f] reall ſhips and ſea-skirmiſhes were often times exhibited vpon the *Amphitheatre*.

[f] Sueton. in Domitian.

Cap. 20.

MOreouer for the better vnderſtanding of claſſicall authors it will not be impertinent to point at the general names, by which the religious places were called: and to declare the proper acception of each name, the names being theſe, *Templum, Fanum, Delubrum, Ædes ſacra, Pulvinar, Sacrarium, Lucus, Scrobiculum, Ara, Altare, Focus.*

De Templo.

This word *Templum* doth ſometimes ſignifie thoſe [a] ſpaces, and regions in the aire, and earth, which the *Augures* did quarter out with their crooked ſtaffe at their ſouth-ſaying. Sometimes it doth ſignifie a ſepulchre or graue, [c] becauſe in old times, men did ſuperſtitiouſly pray, and worſhip at the toombes & monuments of their deceaſed friends, as if it had beene in *Temples* or *Churches*, and in this ſenſe may *Virgil.* be vnderſtood;

[a] Roſin. Ant. lib. 2. cap. 2.

[c] Lilius Gyral'd, de diis gentil. ſyntag. 17.

[d] *Præterea fuit antiquo de marmore templum.*
Coniugis antiqui.---

[d] Li 4. Æneid. v. 457.

Moſt commonly it doth ſignifie a **Church**, or *Temple*: in which ſenſe as often as it is vſed, it is [e] ſaid a *templando*, from beholding; becauſe when we be in the Church by lifting vp our hearts by a diuine contemplation, we doe, as it were behold the great maieſtie of God.

[e] Fr. Silvius in orat. pro Muren.

De Fano

It is alſo called *Fanum, à fando*, from ſpeaking: not from the ſpeaking of the Prieſt, but becauſe the people doe there ſpeake

speake vnto God, & God againe to the people.[f] Some are of opinion that *Fanum* in proprietie of speech signified the Church-yeard, or court before the Temple: *Templum* signifieth the edifice, or Church built.

[f] Turneb. ad. vers. lib. 3. c. 9.

De Delubro.

Thirdly, a Church was called, *delubrum Synecdochicè*, because it was the principall part of the Church, namely the place where their Idol God stood; and it was called *delubrū* from *Deus*: as wee call the place where the candle is put, *candelabrum* from *candela*. As concerning the outwarde forme of the Churches, some were vncouered because they counted it an hainous matter to see those Gods confined vnder a roofe, whose doing good consisted in being abroad; other-some couered; some round, some otherwise: but within they much resembled our great Churches. They had their *prondon*, or **Church-porch**, whereabouts they were wont to haue the image of the beast *Sphinx*, which was so famous for his obscure riddles: so that by this Image was signified, that the oracles of the Gods, which were treated of within the Church, were darke and mysticall. They had certaine walkes on each side of the **body of the Church**, which they called *porticus*: and in these places it was lawfull for them to marchandise, make bargaines, or confer of any worldly businesse; as likewise, in the *basilica*, or **Body** it selfe. But their **Quire** called *Chorus*, was coūted a more holy place, set a part only for diuine seruice. The manner of hallowing it, was as followeth. [h] When the place where the Temple should be built, had beene appointed by the Augures (which appointing, or determining the place they called *Effari templa*, and *figere Fana*) then did the party, which formerly in time of neede vpon condition of helpe from the gods had vowed a Temple, call together the *Aruspices*, which should direct him in what forme the temple should be built: which being knowne certaine ribbands, and fillets were drawne about the *area*, or plot of ground with flowers, and garlands strowed vnderneath, as it was probable to distinguish the limits of this

[g] Rosin. Antiq. lib. 2. c. 2.

[h] Rosin. Ibid.

ground now to be hallowed. Then certaine ſouldiers marched in with boughs in their hands, and after followed Veſtall Nunns leading young boyes, and maids in their hands who ſprinkled the place with holy-water. After this following the Prætor, ſome Pontifie going before, who after the *area* had beene purged by leading round about it a ſow, a ramme and a bull, ſacrificed them, and their entralls being laid vpon a turfe, the Prætor offered vp prayers vnto the Gods that they would bleſſe thoſe holy places, which good men intended to dedicate vnto them. This being done the Prætor touched certaine ropes, wherewith a great ſtone being the firſt of the foundation was tyed: together with that, other chiefe Magiſtrats, Prieſts, and all ſorts of people did helpe to pluck that ſtone, and let it downe into its place, caſting in wedges of gold, and ſiluer, which had never bin purified, or tryed in the fire. Theſe ceremonies being ended, the *Aruſpex* pronounced with a loud voice, ſaying, *Ne temeretur opus ſaxo, auroue in aliud deſtinato, id eſt*, let not this worke be vnhallowed by converting this ſtone, or gold into any other vſe.

De Ædeſacrâ.

Fourthly, a Church was called *Ædes ſacra*, an holy houſe, becauſe of the ſacrifices, praiers and other holy exerciſes performed therin. Although (as *Gellius* hath long ſince obſerved every holy houſe was not a Church. For the proper note of diſtinction between a Church, & a religious houſe was this. that a Church beſide that it was dedicated vnto ſome God, it was alſo hallowed by the Augures, without which hallowing the edifice was not called a Church but a religious houſe: of which ſort was the Veſtall Nunnery, and the common treaſurie, called *Ædes ſaturni*. Wee may adde herevnto this word *Puluinar*, [3] which doth often ſignifie a church: the reaſon being taken from a cuſtome amongſt the *Painims*, who were wont in their Churches to make certaine beds in the honour of their Gods, and thoſe beds they called

[3] Barthol. Latomus in Philippic. 4 am.

Pulvinaria

Puluinaria from *puluis*, because they were filled with dust or chaffe.

De Sacrario.

Sometimes [k] *Sacrarium* signifieth a temple, though properly it signifieth a Sextry or Vestry, nempe [l] *Sacrorum repositorium*.

[k] Cic. pro Milone.
[l] Franc. Sylvius in orat. pro L. Muræn.

De Lucis.

Neere vnto diuerse Temples stood certaine groues dedicated to some of the Gods: they were called in Latine *Lucі à non lucendo*, as diuerse say, by the figure *antiphrasis*. But others are of a contrary opinion, giuing it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

De Scrobiculo, Ara, & Altari.

The places vpon which they sacrifieed either in their religious houses, or there groues, were of three sorts, wich wee in english tearme altars; but the Romans distinguished them by three seuerall names, *Scrobiculus*, *Ara*, and *Altare*.

De Scrobiculo.

[m] *Scrobiculus* was a furrow, or pit containing an altar in it, into which they powred downe the blood of the beast slaine, together with milke, hony, & wine, when they sacrificed vnto an infernall God.

[m] Alex. Gen. dier. l. 5. c. 26.

De Ara.

The second kind of altar was called *Ara*, either *ab ardendo*, because their sacrifices were burned vpon it: or from their imprecations vsed at that time: which in Greeke they called ἀρὰς. It was made foure-square, not very high from the ground, or as some say, close to the ground: and vpon this they sacrificed vnto the terrestriall Gods, laying a turffe of grasse on the altar: and this gaue *Virgil* occasion to call them [n] *Aras gramineas, id est*, grassie altars.

[n] Virg. Æn. 12.

De Altari.

The third sort was called *Altare*, either because it was exalted, and lifted vp some what high from the ground; or because

cause he that sacrificed (by reason the altar was so high) was constrained to lift vp his hands *in altum*, on high:[o] and vpō this they sacrificed vnto their celestiall Gods only.

[o] Serv. in Bucolic. eclog 5.

De Foco.

Focus is a generall name, signifying any of these altars. So called *a fouendo*: because as *Seruius* hath obserued that is *focus, quicquid fouet ignem, sive ara sit, sive quicquid aliud, in quo ignis fouetur.* But in strict proprietie of speech, it is takē for that altar on which they sacrificed to their domesticke Gods, such as were their *Penates* or *Lares*. As it appeareth by *Plautus*[p]:

[p] Aulular. act. 22. Sc. 5.

Hac imponentur in focum nostro Lari
Vt fortunatas faciat gnatæ nuptias.

Whence ariseth that Adage *Pro aris & focis certare*, sounding as much as to fight for the defence of religion & ones priuate estate; or (as our English prouerbe is) for God and our country; the prouerbe being in its originall, part of the oath that was administred vnto the Romane Souldiers: and thus it is expounded by [q] *Turnebus*.

[q] Turneb. Adv. lib. 10. c. 7.

LIB.

LIB. 1. SECT. 2.

The generall diuiſions of the Romane people.

CAP. 1.

De populo Romano, & eius prima diuiſione.

THus hauing premiſed a ſhort Treatiſe concerning the firſt ſituation of *Rome*, and the moſt remarkable parts thereof, I purpoſe to proceed to the inhabitants, which antiquitie hath ſtiled Citizens of *Rome*. And *Eraſmus* rather deſcribing a *Romane*, then defining him, ſaith, A *Romane* was graue in his converſation, ſeuere in his iudgement, conſtant in his purpoſe: Whence *Cicero* in his Epiſtles often vſeth this phrase, *More Romano*, for *ex animo*, *id eſt*, vnfainedly. [a] *Sigonius* rendring the definition of a *Roman* citizen, averreth that no man is *lege Optimâ*, *id eſt*, in full and compleat manner a citizen of *Rome*, but he which hath his habitation there, which is incorporated into a tribe, and which is made capeable of citie preferments. By the firſt particle thoſe which they tearme *municipes*; by the ſecond thoſe which they call *Inquilini*; and by the third thoſe which they call *Libertini* are in a manner

[a] Sig. de iure Rom. l. 1. c. 1.

ner disfranchised. But whereas *Sigonius* saith that they must haue their habitation at *Rome*, hee would not bee so vnderstood, as if a *Romane* citizen might not remoue his habitation to any other countrey: For, saith hee, a *Romane* citizen may be as long absent from *Rome*, and the fields belonging to *Rome*, as he please, so that he suffer himselfe to bee sessed and taxed in common with others toward the subsidie payments, and denieth to be incorporate into another citty. For *T. Pomponius* was a true citizen of *Rome*, though hee dwelt at *Athens*. The *Romane* citizens being by these priviledges as by a more proper and peculiar character distinguished from other people; and being planted in the citty according to the appointment of *Romulus* their King, it seemed good vnto him to divide them into [b] Tribes, not taking the note of distinction only from the diverse places they then inhabited, as we read that *Servius* the sixth king of *Rome* did, making therefore foure tribes τοπικὰς, locall, namely *Suburanam*, *Palatinam*, *Collinam*, and *Esquilinam* (which number of local tribes in processe of time increased vnto the number of 35.) but dividing them according to their severall nations, which at the first were *donati civitate, id est*, made free denizens of Rome: and they being in number three. 1. The *Sabines*, which were named *Tatienses*, from their king *Tatius*. 2. The *Albanes*, called *Rhamnenses* from *Romulus*. 3. Other nations promiscuously flocking out of other countries to the *Roman Asylum* placed in a groue called in Latine *Lucus*, which gaue *Romulus* occasion to name them *Lucares*. He made in all three tribes γενικὰς or nationall. After that *Romulus* had thus diuided the whole body of the *Romanes* into three Tribes, hee then subdivided each tribe into ten lesser numbers, which he called *Curiæ*, or parishes: & then followed fiue other diuisions in respect of their different degrees, and callings: of which in their severall order.

[b] Sigon. de iur Rom. l. 1. c. 3.

Cap.

Cap. 2.

De prima diuisione Romanorum in Senatores siue Patres, Patricios, siue Patronos, & Plebeios, siue Clientes.

THe first diuision of the *Romans* in respect of their degree, and place was this. The elder, wealthier, & graueſt sort of *Romanes*, were called sometimes *Patricij*, either becauſe of their age, and gravity; or becauſe they had many children (for great priviledges were granted vnto fathers of three children:) and sometimes *Patroni*, becauſe they were as patrons, and fathers in helping and assisting the cauſes of the common people seeking to them. The yonger, poorer, and simpler sort were called, as they had relation to the *Patricij*, *Plebeij*, *id eſt*, the commons; as they had relation to their *Patroni*, they were named *Clientes*, *id eſt*, Clients. betweene whom [c] there was such a mutuall, and reciprocall entercourſe of loue, & duty, that as their *Patrons* were ready to protect their clients, so the clients were bound with all faithfulneſse to cleaue vnto their Patrons: & that not only to credit thē with their attendance in publike assemblies, but to disburſe out of their owne purses towards the beſtowing of their daughters, the paying of publike mulcts, the giuing of largeſses in suing for offices, &c. Neither was it lawfull for either of them to enforme, to depoſe, to giue their voices, or to side with adverſaries one against another without the guilt of treaſon: for which crime of treaſon they were *diis inferis deuoti*, *id eſt*, curſed to hell, and the law gaue liberty for any man to kill them. Out of the *Patricij* did *Romulus* elect 100 counſellers to assist him in determining matters cōcerning the common-weale: to theſe did *Romulus* after adde another 100. and *Tarquinius Priſcus*, as divers Authors teſtifie, made them a compleat 300. which they called *Patres*, or

[c] Lazius de Repub. Rom. lib. 12. cap. 3.

Senatores, and their sonnes *Patricij*. But in processe of time the commons also were eligible into a *Senators* place. Some say that *Tarquinius Priscus* added the second hundred to the *Senate* out of the commons,[d] who were called *Senatores minorum gentium, id est, Senators* of the lower house. *Brutus* added the last 100: and made them 300. at what time they began to be called *Patres conscripti*. And this accordeth with *Ioannes Rosa* in his Epitome of the *Roman* history, in his Cl. *de Regibus Romanis*: where he saith, that *Tarquinius Priscus* did double the number of the *Senators*: And likewise [e] *Alexander Neop.* saith, that *Brutus* made them a compleat 300

[d] Martyn. Phileticus in Cic. l. 1. Ep. fam. 1.

[e] Alex. Gen. dier. 2. c. 29.

Cap. 3.

De secunda divisione Romanorum in tres ordines, Senatorium, Equestrem, Popularem, seu Plebeium.

After that through *Tarquinius Superbus* his tyranny, the very name of a king became odious to the Romans, not only the present king was exiled, but the authority of a king ever afterward detested, and perpetually abrogated: so that the office, which was before monarchicall then was divided betweene two, called Consulls: neither were they admitted for any longer space then one yeare. At which time of change, the *Romans* were divided into three orders, or ranges, 1. into Senators, of whom before. 2. into Gentlemen, called of the *Romans, ordo Equestris*: by which we doe not vnderstand those 300. *Celeres, id est*, Pensioners, called sometimes *Equites*, for that was a place of service, this a title and token of gentility. Who although they were inferiour to the chiefe Senate, yet they were of great esteeme among the *Romans*: and although thy might not weare the same robe as the *Senators* did, namely the *laticlavium*, or garment bestudded with flourishings of purple silke in manner of broad naile heads; [f] yet they might weare the *angusti-*

[f] Rosin. Antiq. l. 1. cap. 17.

clavium,

clavium, a garment differing from the former onely in this, because the purple studdes, wherewith it was purfled was narrow, and not so large as the *lati clavium*. They also at the time of their electiō receaued from the *Censors* an horse called by them *equus publicus*, because of the yearely allowance out of the common treasurie to keepe him: it was also called *equus militaris*, because of their service in warre (for they hauing their horses kept as well in peace as warre.) They receaued also a gold-ring, [h] whereby they were distinguished from the Populacie: for it was not lawfull for any to weare a gold-ring vnder the degree of a *Senator*, or a Gentlemā. The estimation and value of a *Senators* estate [i] vntill *Augustus* his time was *sexingenta sestertia*, that is, 6000 l. [k] Of a Gentlemans estate it was *quadringenta sestertia*, that is, of our English mony 3000 l. 3. The third order, or degree in the *Roman* common-wealth was *Populus*, the populacy, or commons, which should exercise trading, manure the ground, look vnto the cattle, &c. Where by the way wee must vnderstand that the baser sort of the *Romanes*, which did wander vp & downe, to and fro, not setling themselues to any vocation, were not contained within this division: for vnto them there was no name vouchsafed: but according to the Poet they were *sine nomine turba*; or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

g Lipsius *de magnitud. Rom. l.1. dial.5*

h Alex. *Gen. dier. l.2. c.29.*

i Suet. in August.

k Plin. lib.33. cap.12.

Cap. 4.

De tertiâ divisione in Nobiles, Novos, & Ignobiles.

THis division was taken from the right or priviledge of hauing images; for they were accounted Noblemen, which had the images of their predecessours: Those which had their owne images onely were called *Novi, id est*, late-coyned nobles or vpstarts. *Salust* vseth this

word often in the disgrace of *Tully* calling him *Novum & reptitium civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselues. Before we proceed, we must vnderstand, that it was not lawfull for who would to haue his owne image if he so desired; for none might be thus priviledged, but those alone to whom the right of riding in a Curule chaire belonged; and to these the right of images was permitted, as well for the credit of their house, as to incite others to the like atchieuemēts, whē they would consider the diverse ceremonies vsed vnto these images in an honourable remembrance of those whom they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*: insomuch that this word [l] *Imago* doth oftentimes signifie Nobilitie: and the right of hauing Images with them, was the same as the right of hauing armes with vs,[m] The superstitious conceipt which the *Romanes* had of these images was such, that vpon festivall daies and all occasions of ioy and mirth, those images should be beautified and adorned with garlands and flowres; vpon occasions of griefe & mourning they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets, [n] others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, shipbeakes, and such other spoiles as formerly they had taken from their enimies; [o] which it was not lawfull for any, though they bought the house so much as to deface. Yea they were so annexed to the freehold that they passed alwaies in the conveyance of the house. The matter of which they were commonly made was waxe, as that of *Iuvenall*, doth sufficiently witnesse.

[l] Sig. de iur. Rom. l. 2. c. 20.

[m] Alex. Gen. dier. l. 5. c. 24

[n] Barth. Lato. in Verrin. 7.

[o] Plin 25. 2.

[p] Iuv. Sat. 8.

[p] *Tota licet veteres exornent vndiq; cera*
Atria, nobilium sola est atq; vnica virtus.

Againe we may not thinke that they made in wax a compleat

pleat statue or a ful portraiture of the whole body, but only from the shoulders vpward.

Cap. 5.

De quarta diuisione Romanorum in Optimates & Populares.

THis fourth division of the *Romanes* hath been occasioned through the faction & siding of the citizens. Those (according to the descriptiō of q *Tully*) were *Optimates, id est*, the best citizens, who desired their actions might be liked, and approued by the better sort. Those *Populares, id est*, popular, who through desire of vaine-glory, would not so much consider, what was most right, as what should be most pleasing vnto the populacie. So that hereby this word *popular*, we vnderstand not the commons, as formerly we did, r but be he Senator, Gentleman, or inferiour, if he doe more desire that which shall bee applauded by the major part, then that which shall be approued by the better part, him the *Romanes* called *Popular, id est*, such a one, that preferreth the popular applause before the right.

q Cic. pro Sex. io.

r Geor. Merula in orat. pro Ligario.

Cap. 6.

De quintâ & vltimâ diuisione Romanorum, in Libertos, Libertinos, & ingennos: item de Manumissione.

THe difference of the freedomes in the city of *Rome* hath giuen occasion of this division: For he, or shee that had serued as an *apprentice*, and afterward was manumized, was named *Libertus*, or *Liberta*. The son whose father, and mother were once apprentices, was called *Libertinus*, but that sonne whose father and mother were both libertines,

bertines, or both free-borne, [f] yea whose mother onely was free, was called *Ingenuus, id est*, freeborne. But after *Appius Cæcus* his Censorship, then began *Liberti* & *Libertini* to signifie one and the same degree of freedome: so that *Liberti* & *Libertini* were taken for those which serued for their freedome, and *Ingenui* were taken for those which were freeborne, whether their parents were *Liberti* or *Libertini*. Here is occasion giuen vs to cõsider the maner of their freedome, and such ceremonies which belonged therevnto. The freedome of the citie of *Rome* was three waies obtained: first by *birth*, both or at least one of the parents being free and such were called *cives originarij*. Secondly by gift and *cooptation*, when the freedome was bestowed on any stranger, or natiõ, and they were tearmed *civitate donati*: and so we read that *Cæsar* tooke in whole nations into the freedome. Lastly, by *manumission*, which was thus: when as the servant was presented by his master before the Consul or Pretor, the master laying his hand vpon his servants head, vsed this forme of words, *hunc liberum esse volo*, and with that turning his servant round & giuing him a cuffe on the eare he did *emittere servum è manu*: the Pretor then laying a certaine wand or rod called [t] *Vindicta*, vpon the servants head, replied in this manner *Dico eum liberum esse more Quiritum*. Thẽ the lictor or sergeant taking the wand did strike therewith the servant on the head, and with his hand he stroke him on the face & gaue him a push in the back, & after this he was registred for a freeman. Moreover the servant hauing his head shauen purposely at that time receiued a cappe as a token of libertie whence *ad pileum vocare aliquem*, is to set one at libertie, as likewise *vindicta liberare*. [u] According to *Tertullian* at this time of their manumission the servants receaued from their masters, a white garment, a gold-ring & a new name added vnto their former. Whose authority if we admit, then the hauing of three names among the Romans was rather a signe of *freedome* then of *Nobility*. And that of *Iuvenal*.

[f] Iustin. inst. lib. 1. tit. de Ingenuis, vid. Franc. Sylv. in Catilinar 4.

[t] P. Ramus in orat. pro C. Rabirio.

[u] Tert. de resur. carn.

Tan-

Tanquam habeas tria nomina---

Is not to bee expounded, *as if you were a noble man* but *as if you were a free-man*. Here wee may also consider the two seuerall kinds of seruants: the first were called *serui*, and they could neuer attaine to any freedome, without the consent of their master.[x] For those that were thus *serui* were commonly captiues, either bestowed as a reward vpon this or that souldier, or bought *sub coronâ*, or of other citizens that had gotten them one of those two former wayes: the second were called properly [y] *nexi & addicti*, because though they were free, yet by reason of their debt, *addicebantur*, that is, they were deliuered vp vnto their creditors by the Prætor to worke out the debt, so that after the payment thereof, either by mony or worke, they did recouer their liberty: whence they were said [z] *nomina sua liberare*, when they paid the debt: as on the contrary they were said *nomina facere*, when they became in debt. And their creditors when they sued for the payment were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitum* a debt.[a] because the creditors did vse to write downe their debters names.[b] The manner of suing for their debts was as it followeth. The debt being confessed, thirty daies were allowed the debter for the payment of the mony (those dayes of respite they called *dies iustos, velut iustitium quoddam, id est, iuris inter eos interstitionem & cessationem.*) The mony not payd, the debter was deliuered vp as a seruant to his creditor, yea he was sometimes cast into prison, and vnlesse the creditor were in meane time compounded with, he remained threescore daies in prison, & three market daies one after the other being brought before the Iudge, the debt was solemnly proclaimed, and vpon the third market day, hee was either sold to forraieners for a slaue or els was punished with death, each creditor being suffered if he would to cut a peice of his dead body instead of payment.

x Dion Halicar. lib. 4.

y Sig. de iud. lib. 1. cap. 31

z Mica. Tor. ita in orat pro P. Quintio.

a Fr. Sil. in epi. virorum illust. l. 1 epi. 6.

b Vid Cel. Rodig. l. 12, c. 20. Item A. Gel. lib. 2, c. 1.

LIB. 2. SECT. 1.

The generall diuisions of the Romane Gods.

CAP. 1.

De diis.

THough *Satan* had much blinded the hearts of men in old time, yet was not the darkneſſe of their vnderſtanding ſo great, but that they did eaſily perceiue, and therefore willingly acknowledge, that there was ſome ſupreame gouernour, ſome firſt mouer, as *Ariſtotle* ſaith: ſome firſt originall of all goodneſſe, as *Plato* teacheth. So that if any made this queſtion, whether there was a God or no? hee ſhould bee vrged to confeſſe the truth of that rather *argumento baculino, quam Ariſtotelico*, rather with a good cudgell, then with any long diſpute. But as they where moſt certaine, that there was a God, ſo were they againe very blinde in diſcerning the true God: and hence hath bin inuented ſuch a tedious catalogue of Gods, that as *Varro* auerreth, their number hath exceeded thirty thouſand, and proued almoſt numberleſſe. Wherefore I ſhall omit to make any diſtinct treatiſe of the Gods, intending *obiter*, and by the way to ſpeake of them, which either had prieſts, or ſacrifices inſtituted for them. Only I purpoſe to ſhew what is vnder-

stood by those generall distinctions of the Gods, which divers authors haue vsed, *Tulli lib. 2. de legibus* reduceth all vnto three heads, Gods celestiall, which *Varro* calleth select, and others haue styled Gods *maiorum gentium, id est* of the greater nations, because their power was greater then the others [a] *Alexander Neapolitanus* saith, that twelue of these were the *Penates*, which *Æneas* did take forth with him at the destruction of *Troy*. *Ouid* calleth them *Deos nobiles*, noble Gods: others call them *Deos consentes, quasi consentientes*, because *Iupiter* would doe nothing without the consent of all. *Ennius* hath diliuered them in this distich,

Iuno, Vesta, Minerua, Ceres, Diana, Venus, Mars.
Mercurius, Ionis, Neptunus, Vulcanus, Appollo.

The second sort of Gods were called *Semidei, id est*, Demigods, also *Indigites, id est*, Gods adopted, or canonized; men deified. For as the select Gods had possession of heauen by there owne right; so these Gods canonized had it no otherwise then by right of donation, being therefore translated into heauen, because they liued as Gods vpon earth, but because their merit was inferior, and could not parallel the deserts of the Gods select, therefore were they called Gods of inferior note. [c] *Seruius* would haue these called *Diui*: obseruing this difference betweene *Di* and *Diui*, that *Di* should signifie those which had bin Gods perpetually, but *Diui* should signifie men made Gods, though commonly they are vsed one for another. Whence they called all their Emperours *Diui*, because for their deserts they thought them worthy to be Gods. Now the [d] manner how a man became deified was this: The party to be canonized being dead, a pile of wood was made in forme of a great tent, or tabernacle, with three other lesser tabernacles one vpon top of another, the lowermost hauing in it dry combustible matter, but in the out-side adorned Richly with gold, Iuory and painted tables: Hither the dead corps was to be carryed with great solemnities; the Senate, the gentlemen, and all the

a Alex. Gen. dier. l. 6. c. 6.

b Seruius in lib. Georgic.

c In Æneid. lib. 5.

d Rosin. Ant. lib. 3. c. 18. vid. Hospinian de orig. Christ. F. p. 21. Vid. exemplum hius conseratonis in Seueri sepultura Herodian. lib. 4. p. 298.

the chiefe magistrats going before, with hymnes and songs, and all kinde of honour, which was to be performed euen to the Gods themselues. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succeed in the Empire for I finde none canonized but onely Emperours at their decease forthwith at the kindling of the fire, a liuing eagle was let fly from the top of the tabernacle which was supposed to transport the soule of the dead body into heauen, in so much that euer after he was canonized amongst the Gods, & worshipped as a God. And because they were thus turned into Gods, some haue called them *Deos animales, quoniam anima humana vertuntur in Deos*: This canonization was by the Greekes tearmed *Apotheosis*, by the Latines *consecratio*. The third sort were those morall vertues, by which as by a ladder men climed into heauen: and therefore did men stile them Gods, because by their meanes men became deified. Late writers perceiuing that all the number of the Gods could not bee reduced vnto these three heads, haue added a fourth sort which they call *Semones, quasi semi homines*, because ancient writers, as *Rosinus* hath obserued, called men *homones*, not *homines*, In which point I shall willingly condescend vnto him, but I shall leaue to the iudgment of others, to determine how iustly he hath restrained the Gods *minorum gentium*, of the lesser nations, only vnto this last *classis*: whereas my opiuion is, that the demy-gods, the morall vertues which haue beene styled Gods, and these *Semones*, may all of them be called Gods of the lesser nations standing in opposition with the Gods select, which are called Gods of the greater nations. But that wee may vnderstand what is meant by these *Semones*, we must remember that by them are signified vnto vs not those Gods, which do appertaine to man himselfe, but to the necessaries of mans liuing, his victualls, his cloathing and the like: not to the being of a man but to the well being of him, of which sort is *Salus, Fortuna*, with others we read likewise of other names

e Serv. in Æn. lib. 3.

{Rosin. antiq. lib. 2. c. 19.

giuen in common to diuers Gods, not as oppesite members of a diuision, but as notes of distinction drawne from the diuersity of helpe, which they severally did afford vnto man. In this respect some were called *dij patrij*, or *tutelares*, such as had vndertaken the protection of any citie or towne which opinion had sometimes beene entertained by our Englishmen, and thence haue risen these and the like speeches ✠ George for England, ✠ Denis for France, ✠ Patricke for Ireland, &c. And the Romans being fully perswaded of the truth thereof, whensoever they went about to besiege any towne, by certaine enchantments, or spells they would first call out these Tutelar Gods; because they deeme it matter impossible to captiuate the citie, as long as these Gods were within; or at least they thought it a crime vnexpiable ot take the Gods as prisoners. and least other natinos might vse the same meanes in besieging Rome, therefore, as divers authers haue thought, the true name of the Romane citie was neuer knowne, least thereby the name of their Tutelar God might be descryed. Others namely the *Tyrians* haue tied fast their God *Hercules* with a golden chaine, thereby the more to secure themselues of his residence among them.[b] Others haue bene called *Dij communes*, namely *Mars Bellona*, and *Victoria*, because in time of war they are not bound to either side: but sometimes they helpe one side and sometimes the other. And as they supposed some Gods to haue the protection of whole countries, so did they beleeue that others had the charge of particular men; and that so soone as any man was borne, two spirits did presently accompanie him invisibly, the one termed the *bonus Genius*, or good angell. perswading him to that which should be good: the other called the *malus Genius*, or euill angell, tempting him to that which should be hurtfull: insomuch that they thought all the actions of men to be guided by these angles called *Genij*. So that if any misfortune befell a man, they would say that the matter was enterprised *Dijs iratis, id est*, our *Genius* being displeased with vs. *Virgil* calleth

g Sylvius in epist. virorum illustrium.

b Alex. Gen. dier. l. 6. c. 4.

eth these bad Angels *Manes*, as it appereth by that, *Quisq; suos patitur manes*, *id est*, Euery man hath his euill Angell, *id est*, some misfortune. These *Genij* were though to be a middle essence betweene men & Gods: They are therefore called *Genij*, because they haue the tuitiō of vs so soone, as we are *Geniti*, *id est*, borne, it is most certaine that old autors vsed *Geno*, for *Gigno* whence [i]*Tully* saith, *si mihi filius genitur*, and [k]*Varro Antequam genat filiquas*, although euery place had also his *Genius*, as hereafter shall appeare. This opinion was the more confirmed by a vision which appeared vnto [l]*Brutus* in *Asia* neere vnto the time of his death vpon a certaine night in his pauilion, for *Brutus* watching saw a fierce tragicall person appeare vnto him, some what bigger then a man, & he presently being of an vndaunted spirit, demāded whether he were a God or a man? To whome the vision answered, Thy euill *Genius*, which haunteth thee, thou shalt see me at the city *Philippi* againe, and the same vision appeared vnto him, as he was fighting at *Philippi*: which was the last fight that euer he fought. And because *Iuno* was wont to be inuocated in the time of Childe-birth therefore many haue thought that euery man hath not his two Angels but on Angel, & *Iuno* to obserue him, but it is agreed vpō by best autors, that as the angels or spirits which did attend men were termed *Genij*: so those which guarded women were termed *Iunones*. This *Genius*, as oftē as he is vnderstood for the good or euill *Angell*, which hath charge of a mans body, is painted in forme of a man as we read did appeare to *Brutus*; though some time he is painted as a young boy, sometime as an olde decrepite man, [m] but alwaies with a crowne of plane-tree, which therefore was called *genialis arbor*, in the right hand he held a platter ouer an alter garnished with flowers: in the left he held a scourge hanging downe. The sacrifice that was performed vnto the *Genius* was wine, and flowers: whereupon (as if by wine & fragrāt odors, were signified all kinde of

[i] Cic. lib. 2. de orat.

[k] Varro Rei. Rust. li. 2. c. 3.

[l] Plutar. in Brut.

[m] Rosin. ant. lib. 3. cap. 14.

pleā-

Imperfect in original

pleasures certaine prouerbiall speeches haue beene occasioned: as when wee see a man giuen much to his pleasure, and dainty feeding, wee by and by doth *indulgere genio, id est*, pamper or make much of his *Genius*: on the contrary hee that is abstemious and debarreth him selfe of his pleasure & dainty feeding, is said *defraudare Genium*, to defraud his *Genius*: & *genialis* signifieth iocund or pleasant. [a] It was also the custome after meales to take a cup passe round the table, much like vnto our *poculum charitatis*, & it was called *poculum boni genij*. [b] The *Grecians* had a like custome, whence that cuppe was called by them, ἀγαθοῦ δαίμονος ποτήριον. But the reason, why they would not sacrifice vnto their *Genius* by kindling some hoste, as they did to their other gods, was, because they iudged it vnfit to deprive any creature of his life vpon that day, when they first began their life (for this sacrifice was performed yearly by euery one vpon his birth day) *Horace* notwithstanding doth more then intimate the killing of a young pigge in that sacrifice.

[a] Vid Erasm. adag.

[b] Cel. Rhod. lib. 28. cap. 6.

---cras Genium mero
Placabis, & porco bimestri. Hor. lib. 3. Od. 17.

The other *Genius* which is supposed to haue chief power ouer high wales and places, being therefore called *Genius loci*, was pictured in forme of a Snake, in which forme *Virgil* fained him to haue appeared, to *Æneas*, when hee performed the funerall rites due vnto his Father *Anchises*, *Ænead. l. 5.*

---Adytis cum lubricus anguis ab imis
Septem ingens gyros, septena volumina traxit,

And *Persius*.

Sat 1

Pinge duos angues, pueri sacer est locus, extra.
Meite, id est, duos Genios.

[p] Franc. Sylv. in orat. pro Sext Rosc Am.

Another sort of Gods was supposed to haue the keeping of mens houses: [p] which they painted in forme of a dogge because those to whom the charge of houses is committed ought to resemble doggs, that is to seeme fierce, and angry towards strangers, but gentle & kinde to those of the household

hold other properties wherin theſe *Lares* doe reſemble dogs are recited by *Ouid. Faſt.* 5.

Seruat vterq́, domum, domino quoq́, fidus vterq́, eſt.
Compita grata Deo, compita grata cani:
Exagitant & lar, & turba Diania fures,
Pervigilantq́, lares, pervigilantq́, canes.

They were named *Lares*, & becauſe of the charge, they had over mens houſes, this word *Lar* is ſuudry times taken for an houſe it ſelfe, as *paruo ſub lare*, *Horat.* In a little cottage, *homo incerti laris, id eſt*, a man that hath no houſe to dwell in. *Sen in Med.* And the cuſtome in ſacrificing vnto them, was to eat vp all whatſoeuer was left at the offering, for they thought it an heinous matter to ſend any of that ſacrifice abroad, either among their friends, or the poore: and therevpon when wee ſee a glutton leaue nothing in the platter, not ſo much as the curteſi-morſel, we ſay *Lari ſacrificat, id eſt*, he ſacrificeth to his houſehold God.

LIB. 2. SECT. 2.

Of the Roman Priests with some particular Gods.

FAunus the ancientest of all the kings in *Italie* was the first, that brought any forme of religion into *Italie*. He consecrated groues, gaue names vnto Cities, erected Temples, ordained sacrifices, &c. from whom the Churches, as some say, were named *Fana*. But after *Faunus*, *Evander* comming out of *Arcadia*, and afterward being king of *Latium*, he instituted, and appointed many other ceremonies, which before were vnknowne to the Latines. After him *Æneas* comming from *Troy*, taught many of the *Troian* ceremonies: by whose examples *Romulus* & *Numa* were incited to adde many other kindes of holy rites, and at length reduced their whole religion into a certaine order, especially *Numa* who that hee might gaine the more credit and authority to his new inventedsuperstitions feigned that he had conference about them every night with the goddesse *Egeria*. My intent therefore is, to speake first of the God, in whose honour these holy rites were performed, and then to descend vnto the Priests, which were to performe them, shewing withall the ceremonies they vsed in the performance.

Lact. de fall. relig. c. 22.

CAP.

Cap. 1.

De Pane Lyceo, ſive Inuo: de Lupercis, & Lupercalibus.

Pan was ſuppoſed to be the God of the ſheep-heards, and is [a] thus deſcribed: he is pictured naked, hauing hornes in likeneſſe of the ſunne-beames, a long beard, his face red like the cleere ayre, in his breſt the ſtarre *Nebris*, the neather part of his body rough, his feet like a Goat: in one hand hee holdeth a pipe, in the other a ſheep-heardes crooke, and alwaies is imagined to laugh. [b] Hee was worſhipped firſt in *Arcadia*, and there called the God *Pan Lyceus*, but afterward hee was had in great eſteeme at *Rome* [c] and in the honour of him certaine ſacrifices, and games called *Lupercalia* were ſolemnized by the *Romanes*, [d] There he tooke the name *Inuus*, or as ſome ſay *Iunus*. Concerning the time, when theſe ſacrifices were to bee performed; it was vpon the [e] vnfortunate dates of the month *Februarie*, which hath his name *A februando*, from purging: whence the feaſt or game is as a purification; though the Latine word ſignifieth as much as a feaſt of wolues, in a memoriall that *Romulus* and *Remus* were nurſed by a ſhee-woolfe. This ſeemeth very probable, becauſe the Prieſts, which were called *Luperci* beganne their courſe at the foot of the mount *Palatine*, called by the *Romans Lupercall, id eſt*, the place, where the woolfe nurſed [f] *Romulus*. The ceremonies were theſe: the hoaſt (being two Goats) was to bee ſlaine; and two Noble mens ſonnes were to bee preſent, whoſe foreheads being blouded with the kniues of them that had ſlaine the Goats, by and by were to be dried vp with wooll dipped in milke. Then the young boyes muſt laugh immediarly after their foreheads were dry. That done they cut the goats skins, and made thongs of them, which they tooke in their hands, and

[a] Seruius in Virg. Ecl. 2.

[b] Feneſt. de ſacerd. cap. 1.

[c] Feneſt. ib.

[d] Pomponius Lætus de Sacerdot. cap. de Luper.

[e] Plutarch. in Romulo.

[f] Plutarch. in Romulo.

ran with them all about the citie ſtark-naked (ſaving they had a cloath before their privities) and ſo they ſtrooke with thoſe thongs all they met in the way. The young wiues did neuer ſhun them at all, but were well contented to bee ſtriken with them, beleeuing it helped them to bee with childe, and alſo to bee eaſily deliuered. Moreouer it is to bee noted, that a dogge was ſacrificed at this time, becauſe there is a naturall antipathie, or contrarietie of nature, betweene the dogge and the woolfe: whereby *Romulus* thought to teſtifie his gratefulneſſe vnto the woolfe for her paines in nouriſhing him. The reaſon why the Prieſts ran vp and downe the ſtreets naked, was, becauſe that *Pan* the God of this ſacrifice was painted naked. As the feaſt, ſo alſo the place from whence they came, and likewiſe the Prieſts had their names *à Lupa*, which ſignifieth a woolfe. Some Authors haue obſerued three ſorts of the *Luperci*, ſome called *Fabiani*, ſome *Quinctiliani*, from *Fabius* and *Quinctilius* their gouernours: the third ſort, which g *Roſinus* affirmeth to haue beene added in the honour of *Iulius Cæſar*, I cannot find according to his quotation in *Suetonius*. But thus much *Suetonius* ſaith in h another place, namely that *Auguſtus Cæſar* when he was chiefe Pontifie did reſtore theſe games againe being formerly aboliſhed.

g Roſin. ant. l. 3. c. 22.

h Sueton in Auguſt.

Cap. 2.

De Cerere, & ſacris eius.

Ceres otherwiſe called *Eleuſina* was honoured firſt among the *Gracians*, afterward among the *Romans*, as a Goddeſſe, which firſt taught men the skill of husbandry.

Prima Ceres ferro mortales vertere terram
Inſtituit. Virg. Georg.

Whence ſhee is ſometimes *metonymicè* taken for corne, as

Credenda

Credenda Ceres aruis. *Ouid.* It is seed time. She is called *Ceres*, [i] *quasi Geras a gerendis frugibus*, from bearing fruit: because, as some say, by *Ceres* is vnderstood sometimes the earth it selfe: whence also Δημήτηρ being the greeke name of *Ceres* is said *quasi γῆμητηρ, id est*, the earth, which is the common mother of vs all. [k] Shee is painted in the habit of a Matron wearing a garland of corne, sometime sorrowfull with a lampe in her hand, as if she were seeking out her daughter *Proserpina* carried by *Pluto* into hell; and sometime with a handfull of corne or poppy-seed. Vpon the fift of the Kalends of Aprill the *Romans* were wont to performe sacrifices vnto her, which they called *sacra Graca, id est*, the Grecian sacrifices, as likewise they tearmed the chiefe woman which did performe them, *sacerdotem Graecam, id est*, the Greeke Ministresse, because they were translated into *Rome* out of *Greece* by *Euander*. The time of their solemnities was at the dawing of the day, and the Priests, which were only women which ran vp and downe with lampes in their hands in manner of mad woman; into whose temple none that was guilty of any fault comitted might enter: whose mysteries were to be buried in silence, and by no meanes to be blabbed abroad. And as it is to be supposed, that was the reason why all wine was forbad in this sacrifice. So that hence [l] we say *Cerei sacrificat*, he sacrifices to *Ceres*, when he maketh a feast without wine.

[i] Cic. lib. 3 de nat. Deor.

[k] Rosin. ant. lib. 2. cap. 11.

[l] Plautus in Aulularia.

CAP. 3.

De Potitijs, est Pinarijs Herculis sacerdotibus.

Hercules had an altar erected in the memoriall of him neere vnto *Tiber* by *Euãder*, vpõ occasiõ of the heards-mens complaint brought vnto *Evander* of him, whom they accused to haue slaine their chiefe heardsmen *Cacus*, the history being [m] thus. *Hercules* after his conquest

[m] Seru. Æn. lib. 8.

queſt ouer *Geryon* brought away with him certaine goodly Oxen, and as well to reſt himſelfe, as to paſture his Oxen, he laid him downe to ſleepe in a greene field neere the riuer *Tiber*. In the meane while a certaine heards-man called *Cacus* happened to come that way, and perceiuing *Hercules* to be in a ſound ſleep, he ſtole away two of his Oxen, which he hid in a caue, or hollow rocke pulling them in by the taile bakward, thinking that *Hercules* when he ſhould look his oxen and ſee the print of his footſteps, would eaſily beleeue, that his oxen had rather gone out from that rock then into it, as indeed he did for a time beleeue: but afterward by the bellowing of the oxen within anſwering their fellows without *Hercules* entred the rock, and finding the theeſe *Cacus* there with his oxen, he killed him, by reaſon of which murder he was brought before *Evander*, and after a while knowne to be the *Hercules*, of whom the Propheteſſe *Garmenta* had foretold vnto *Evander*, that he ſhould be a God. Whereupon *Evander* preſently ſaluted him by the name of *Hercules* the ſonne of *Iupiter*, and in honor of him cauſed an altar to be built there in that place: vpon which yearely was to bee offered vp an heifer which had never borne yoke; and that this ſacrifice might be had in the more eſteeme, two Noble men well ſtroken in yeares, and of good repute among the *Romans*, one of them being called *Potitius*, and the other *Pinarius* were appointed as the Prieſts to performe theſe ſacrifices; from whom ever after *Hercules* his prieſts were called *Potitii*, and *Pinarii*. Where by the way we muſt obſerue, that *Pinarius* was not the ſur-name of this Noble man, but, a name added vnto him, intimating his, and his ſucceſſours puniſhment for not comming ſoone enough according to the time appointed by *Hercules*. For as [a] diuerſe writers teſtify, the entralls of hoaſt were almoſt eaten vp by the familie of *Potitius*, before *Pinarius*, and his familie came; and in puniſhment of their negligence *Hercules* enioined the *Pinarii* never after to eat of the entrals, giuing them this name *Pinarii* at that

[a] Serv. Æneid. lib. 8.

that time, from the Greeke word λιμὸς signifying hunger.

Cap. 4.

De Fratribus arvalibus,

THis Colledge or company of Roman Priests may bee Englished the *Arvall fraternity*: the nũber of them being twelue, eleuen of them naturall brothers, sons to *Acca Larentia Romulus* his foster mother; * for which respect *Romulus* yeelded himselfe her adopted sonne, instituting this order in the honour of *Ceres* & *Bacchus* for the plentie of wine and corne vnto whom they did offer vp certaine sacrifices called *Ambarualeshostia, quod antequam matarentur ter circum arua ducebantur*, according to that of *Virg. Georg. Terq; nouas circum felix eat hostia fruges*, that they being therewith appeased might the willinger cause the earth to fructify, & added himselfe to the former eleuen as the twelfe priest or brother to helpe in the performance of this publike sacrifice, moreouer beside the performance of this sacrifice, these twelue were appointed *arbitratores*, or iudges to decide controuersies concerning landmarks and bounds of the field, from whence they tooke their name *fratres Aruales*. Their sacerdotall ornaments was a garland of wheat bound vp with a white riband, this being, as ᵖ*Pliny* writeth, the first crowne, or garland amongst the Romans.

* Festus de Sacerd. c. 3.

Hosp. de orig. Monach. c. 10.

ᵖ Plin. lib. 17. cap. 2.

Cap. 5.

De sexaginta Curionibus.

AFter that *Romulus* had diuided the whole body of the Romans into three tribes, or wardes, and subdiuided those three wardes into thirty parishes, called *Curiæ*, he ordained out of each *Curia* two parish Priests or Curats called *Curiones*, or *Flamines curiales*; which were pub-

publikely to offer vp sacrifice in the behalfe of the people. Neither was euery one equally capable of this honour of Priesthood; [q] but hee was to bee at the least fiftie yeare old, of a life vnspotted, and a body vnmaimed. And ouer all these there was one which had chiefe rule, and therefore was called *Curio Maximus*, the Bishop, or chiefe Prelate: and these sacrifices were called *Curionia*. [r] Their sacrifice being ended each parish had a feast in a common hall built for that purpose: it was called *Domus Curialis*, and sometimes *Curia*.

[q] Dion. Hal. lib. 2.

[r] Dion. Hal. lib. 2.

Cap. 6.

De Auguribus, & eorum Collegio.

AMongst other kinds of Fore-tellers we read of three principally vsed in former time, namely, *Aruspices*, *Auspices*, & *Augures*: all which we english Soothsayers, though the Latine words doe import a maine difference worth our obseruation: all are alluded vnto by *Ouid.*

Hoc mihi non ouium fibræ, tonitrusue siniſtri,
Lingua auis ſeruatæ, pennaue dixit auis.

Ouid. triſt. l. 1. Eleg. 8.

The *Aruspices* did diuine, or foretell things to come by beholding the entrals of beasts sacrificed: whence they had their name. *Ab aras inſpiciendo*, from beholding the altars. The *Auspices* did foretell things by beholding the flight of birds so that *Auspices* are said *quaſi auiſpices*, *ab aues aſpiciendo*. The *Augures* did diuine frō hearing the chatting or the crowing of the birds: whence they are called *Augures ab auium garritu*, from the chirping and chatting of birds. These two last kinds of soothsaying haue occasioned these, and the like phrases, *bonis auibus*, or *auſpiciis*, With good lucke, *malis auibus, id eſt*, with ill lucke: and because they would beginne [t] nothing *inauſpicato, id eſt*, without the counsell of the *Augures*, hence *Auſpicari rem* hath beene translated, to beginne

[t] Fr. Sylv. in orat. pro Cluentio.

ginne a matter. The Colledge of the *Augures* at Rome was first appointed by [a] *Romulus* himselfe being very expert in soothsaying, there being at the first but three, namely one of each tribe: (The word *Augur* being not taken in his owne proper sence, and signification aboue-mentioned; but generally by the trope *Synecdoche*, signifying all kinds, and sorts of diuining whatsoeuer, whether it were by obseruing the entrals of beasts, the flying, screeching, and chatting of birds, or thundring, or lightning in the heauen, or marking the reboūding of crumms cast vnto birds, which kinde of diuining was called *Tripudium*.) [x] *Seruius Tullius* the fixt Romane king, when he diuided Rome into foure locall tribes: *id est*, Regions, or quarters, then did hee adde the fourth *Augur*, all of them being elected out of the *Patricij*, or the nobility of Rome. [y] In processe of time *Quintus*, and *Cnaus Egulinus* being chosen *Tribuni plebis*, *id est*, protectors of the commons, obtained that fiue other *Augures* should bee chosen out of the commonaltie, and added vnto the former foure: at which time the Senate decreed that the colledge of *Augures* should neuer exceed the nūber of nine. [z] Notwithstanding *Sylla* being *Dictator* added six more, insomuch that their colledge encreased to the number of fifteene: the eldest of which was called [a] *Magister Collegij*, the master, or *Rector* of the colledge. The *Augures* excelled other Priests in [b] this respect, because if any of them had beene conuinced of any heynous crime, he did not loose his office, neither was any other subrogated into his roome, although the Romaine custome was, that if any other priest had committed any notorious offence hee should presently be discharged of his office, and another chosen in his place. [c] The manner how the *Augur* did obserue was this: Hee sate vpon a castle, or a towre, the ayre being cleere, and faire without clouds, or raine, holding a crooked staffe, (called in Latine *Lituus*) in his hand, where sitting in his soothsaying robe, called *Laena*, and in Greek τριβων, παρὰ τὸ χαλᾶν τὸν, ἀ calefaciendo, from heating, because it was well lined

[a] Pomp. Lætus cap. de Augur.

[x] Rosin. Antiq. lib. 3. cap. 8

[y] Rosin. Ibid.

[z] Rosin. id.

[a] Alex. Gen. dier. l. 5. c. 19.

[b] Alex. Ib.

[c] Pomp. Lætus de Aug.

lined within (being garded: to the outside with purple and crimson gards) hauing his head couered, and his face turned toward the east, so that his back was west-ward, his right side south-ward, and his left north-ward. Being thus placed he quartered out with his crooked staffe the heauen into certaine *templa, id est*, Regions, or places, obseruing in what region the birds did appeare: Then killing his sacrifice, and offering vp certaine prayers called *Effata*, he proceeded in manner as followeth. But first suppose we for our better vnderstanding hereof, that now the *Augures* were to resolue the people, whether the Gods would assent that *Numa pompilius* should bee King. The *Augur* hauing done as aboue is shewed, his *Lituus* being in his left hand, he reached forth his right hand, putting it vpon *Numa Pompilius* his head, vsing this forme of words, *Iupiter pater, si fas sit Numam Pompilium, cuius ego caput teneo, regem Romæ esse, vti nobis signa certa ac clara sint inter eos fines, quos feci, id est*: If it be lawfull for this *Numa Pompilius*, whose head I hold to be king of *Rome*, shew some manifest tokens within these regiõs, or quarters which I haue described. Then if he obserued luckie signes & tokens he presently pronounced *Numa Pompilius* king of *Rome*: if he perceiued vnlucky tokens, then did he *obnunciare*, or gaine say, and shew that the matter proposed was not pleasing to the Gods. Whereby the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another, neither was any thing gamesaid by the appearance of one only euil toke. The distinctiõs of the soothsayings haue beene taken, some from the event, & thence are they called *prospera*, luckie, or *aduersa*, vnluckie. Some from the manner of their appearing, and that was either wished being called therefore *impetrativa*; or vnwished called *oblativa*. Some from the diuersity of things which offered themselues in time of diuining, and so there were fiue distinct sorts. The first was by the obseruing of lightning, and thunder from heauen; the second from the flying, and

d Serui. Honor. lib. 6.

chatting

chiming of birds: the third from bread-cast, so pullets, or little chickens: the fourth from foure footed beasts, whether they should crosse the way, or appeare in some vnaccustomed place: the fift from those casualties, whereby the Gods doo make their anger appeare vnto vs. Of this sort are those voices which we heare we know not whence (as *Cadmus* heard when he ouercame the serpent) the falling of salt towardes vs at the table, the shedding of wine vpon our clothes. From which casualties, and the like the *Augurs* would pronounce either good fortune, or bad to come. And these tokens were therefore called *Diræ*, because thereby *Dij significabant iram*, the Gods declared their anger. Now the things that in diuining time appeared on the left-hand where commonly tokens of good lucke, because the diuiners right hand in beholding the heast is opposite to the diuiners left hand. Whence *sinistrum* though in humane affaires it signifieth as much as vnluckie, yet in those holy rites of diuining *sinistrum* is taken in a contrary sense as *dextrum*, good lucke. *Iuuat ire sinistrum*, it hath beene declared luckily, we shall haue good successe: and it is said *sinistra*, because the Gods thereby doe offer vs to proceed in our purposed practises. And therefore *Tully* saith, *libet deos interpellare, bene sinistra seruire vatum, & sinistram augurum imitari*, and in the law of the xij tables it is said, *aues sinistra, pro magistratu agito*. The Greeks from hence in the soothsaying of *Lapsus* haue called the left hand *ἀριστερὸν*, from *ἄριστος* signifying the best.

d Lips. Elect. lib. 2. cap. 2.

De Tripudijs & pullarijs.

THis kinde of coniecturing is called *auspicium coactũ*, *quoniam necesse erat offa obiecta cadere frustum ex pulli ore, cùm pascitur*. The word *Tripudium* is vsed by a *Syncopation* for *terripudium*, which is as much as *terripauium*

g Cic. de diuin. nat. lib. 1.

vium, id est, a daneing or rebounding of any thing vpon the ground: for *pavire* is the same with *ferire*, [b] Others say *Tripudium quasi tritio pedum*. It is here taken for the diuining, or coniecting of good or euill to come by the rebounding of crummes cast to chicken in a coop or pen: whence the *Augur* from these pullets or chicken was called *Pullarius id est*, A-Bird-prophet. [i] The manner in obseruing was this. As often as by this kinde of coniecting they desired to know the Gods pleasure concerning the interprizing of any matter, early in the morning those that were skilfull in this kinde of obseruation, repaired vnto the place where the chicken were kept, where silence being commanded, and the coope opened, they cast crummes of bread to the chicken. Now if the chicken either came slowly, or not at all vnto the bread, or if they walked vp and downe by it not touching it, then was it a token that the matter to be enterprized was displeasing vnto the Gods: but if contrarily the chicken did hastily leape out of the coop and eate so greedily of the crums, that some should fall out of their mouths againe, then the *pullarius*, that is, the *Augur* pronounced that it was well pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerefully: and this was called *Tripudium solistimum*. This kinde of coniecting may seeme to haue its originall from the *Lycians*, [k] who as often as they desired to foreknow the successe of any enterprise, they went vnto the fountaine dedicated to *Apollo*, into which they cast baites for the fish: now if the fishes did eate them, it did betide goodlucke; if otherwise they neglected the baites, then it did betoken some euill euent.

[b] Humbert. in lib. 6. Ep. fam. Cic.

[i] Alex. Gen. dier. l. 1. c. 29.

[k] Alex. ib.

Cap.

Cap. 8.

De Aruspicibus, Aruspicina, & Extispicio.

THis kinde of soothsayers as they were called *Aruspices ab aras aspiciendo* from beholding the beast vpō the altar; so were they called *Extispices, ab exta aspiciendo*, from beholding the bowels or entrals of the beast, called in Latines *Exta*. In this kind of soothsaying the *Aruspex* obserued in manner as followeth: first whether the beast to be sacrificed came vnto the altar willingly, without plucking and halling; whether he died without much strugling, or lowd bellowing; at one blow or many; whether any vnluckie obiect were seene, or heard by them, whiles they were sacrificing. Againe after the beast was slaine, then would they obserue, whether the bowels were of an vnnaturall colour, whether they were not vlcerous, exsiccate, or impostumated: moreouer they would diuide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tel what would befall themselues, and their friends; the other they would call *partem hostilem*, whence they gathered prædictions touching their enimies Hence *Manto* in [m] *Seneca* describing the entrals of his killed sacrifice saith, *Hostilo valido robore insurgit latus*, meaning by *hostile latus, partem hostilem*. Afterward when the sacrifice was to be burned, they considered, whether the flame of the fire was smokie, whether the smoke rolled, and tumbled in the aire, whether it were of any continuance or no: for all these were vnfortunate tokens, as the contrary did betoken a good & fortunate issue to their designments. These last which obserued the fire and smoke were called by a more peculiar name *Capnomantes* smoke-augurers from the greeke words κάπνος signifying smoke, & μάντις, id est, vates, or a soothsayer. The first instructiōs that the *Romans* receiued

l Senec. Ged Act. 2. scen. 2.

m Oedip. Act. 2. scen. 2.

was from the *Hetrusci*, (who as they themselues say) receiued their knowledge from a little boy, which they named *Tages*, the history being thus, [n] When the *Hetrusci* were plowing their lands, vpon a sudde one vpstarted this *Tages* out of one of the furrowes vsing diuers speeches vnto the plow-men: but they being much amazed at this sudde, & strange vision, beganne with a lowd cry to lift vp their voices: vpon occasion whereof many other people flocked thither, where he gaue many good instructions concerning this kinde of soothsaying, which were presently recorded in bookes, and practised afterward by the *Hetrusci*.

[n] Cic. de diuinat. *Indigna dixere Tagem, qui primus Hetruscam edocuit gentem, casus aperire futuros* Ovid. Met. lib. vlt.

CAP. 9.

De Flaminibus.

THe mitre or head-ornament which these Priests did weare, was called in old time [o] *Flama*, whence the priests tooke their name *Flamines*. The [p] custome amongst the *Grecians* as likewise afterwards among the *Romanes* was, that the kings should alwaies performe ceremonies, and holy rites of religion, as ciuill businesses. But *Numa Pompilius* perceauing that forraine warres did oftentimes occasion the kings absence, in so much that those religious ceremonies which hee himselfe personally should performe were of necessity sometimes neglected, hereupon he ordained out of the *Patricij* three Priests to performe that diuine seruice vnto *Iupiter*, *Mars*, and *Romulus* which hee himselfe otherwise ought to haue performed, calling the first *Flamen Dialis*, the other *Flamen Martialis*, and the last *Flamen Quirinalis* from *Romulus*, which was often called *Quirinus*.

[o] Rosin. Antiq. lib. 3. c. 15.

[p] *Rex. Anius. rex idem hominum Phebique sacerdos.* Virg.

Sine quod hasta quiris priscè est dicta Sabinis
Bellicus a telo venit in astra deus.
Sine quo regi nomen haberet Quirites
Seu quia Romanus iunxerat ille Cures.

In

In processe of time were the others chosen from the commons vnto these, in token of this note of distinction, that the three first were had in greater esteeme, and were called *Flamines maiores*, high Priests, the other of lesse note called *Flamines minores*, inferior Priests. The chiefe of all was the *Flamen Dialis*, or chiefe high priest, and whereas every one did weare a certaine bonnet in forme of a mitre, which sometimes was called *Pileum*, sometime by the figure *Synecdoche* *Apex* (whereas *Apex* doth properly signifie onely the toppe of the bonnet) none might weare *Albogalerum*, *id est*, a white mitre, but only *Inpetri* Priests, and that was to be made of a white sheepe-skin, after the sheepe had beene sacrificed. Whatsoeuer malefactor could escape vnto this Priest, he should not be punished that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died *Flaminio abibat*, *id est*, hee resigned his sacerdotall office. To him was permitted a rich robe of state, and a curule chaire: none might fetch fire out of his house, vnlesse it were to performe some sacrifice therewith. None might barber or poll him but a freeman, and that with brasen scissers. Many other ceremonies there were which concerned this *Flamen*, as likewise time added many other *Flamines*, namely every God one, yea sometime those threescore parish priests which formerly were called *Curiones*, were called *Flamines*, *Curiales*; and divers Emperors after their death had also their *Flamines*. Moreouer wee must note that those priests women were called *Flaminicæ*; Their ministers (for they were wont when they went to sacrifice to take a boy or a mayde with them *Flammij*, or *Flaminiæ*. And the Chiefe flamins dwelling house was called *ædes Flaminea*, or *Flaminia*. But as it seemeth probable *Numa Pompilius*, and so the other kings succeeding him did still reserue their right and authority in holy matters so farre, that they would intrust other inferior priests, yea and specially performe some speciall sacrifices themselues:

n Alex. Gen. dier. lib. 6. c. 12.

o Alex. Gen. dier. lib. 6. c. 12.

p Aul. Gel. lib. 10. cap. 15.

q Alex. Gen. dier. lib. 6. c. 12.

r Seruius Æn. lib. 1.

s Feneſtde sacrd. cap. 5.

t Alex. Gen. dier. lib. 6. 12.

themselues: whereupon after that the kings authority was abrogated amongst them, then that these sacrifices might be continued they chose a certaine Priest, which they preferred before the *Flamen Dialis*, but iudged him inferior to the *Pontifex maximus*, or Arch-Pontifie, and him they called, *Rex sacrificulus*, and *Rex sacrorum*, the King priest. To him once euery yeare the vestall Nunns repaired, and vsed this forme of words, [a]*Vigilasne Rex? Vigila.* King art thou awake awake. For vnto him it did belong to bid holy-dayes, and to provide all things necessarie for publik sacrifices. He was to instruct those that sought vnto him, the causes of the holy-daies, and to tell them what was lawfull and vnlawfull euery moneth, and vpon the fift of the Ides of Ianuarie he sacrificed a Romane to *Ianus*. He was likewise wont to offer vp a sacrifice in the *comitium* or great hall of iustice, which being finished he ranne as fast as he could out of the market-place without delay. His wife was called *Regina sacrorum*, the Queene-priestesse, and was wont vpon the Kalends of euery month to sacrifice a porker or a lambe in her place in the honour of *Iuno*.

[a] Serv. in Æn. 8.

Cap. 16.

De mare, siue Mauorte, & Salijs Palatinis Martis dicatis.

MArs otherwise called *Mauors* by the figure *Epenthesis*, as wee say *Induperator* for *Imperator*, was reputed the God of warre, and so *Metonymicῶs* is vsed for warre as *vario Marte pugnatum est*, the battell was doubtfull; *proprio Marte*, by ones owne strength, and labour. He was the sonne of *Iuno* onely without company of her husband: for when *Iuno* was greatly displeased with her selfe, that *Iupiter* by stricking her head without company of a woman did bring forth the goddesse *Minerua*, shee by the counsell

counsell of the goddesse *Flora* touched a certaine flowre in the field of *Olenius*, by vertue whereof, she immediatly conceiued the God *Mars*. This God, by reason of his dominion in warre the Romans painted fiery, sometimes in his chariot, sometimes on horseback, with a Iauelin in one hand, and a Scourge in the other. In old coines there was sometimes the picture of a cocke ioyned with him, to shew the vigilancie, and carefulnesse that souldiers are to vse. Hee was called [x] *Gradiuus à gradiendo* from marching in battell against his enemies. He had a temple without the Citie, whence he was called *Extra muranensis*. [y] Neere vnto this temple without the gate *Capena*, did lie a stone of great note, which vpon great droughts, the people would bring into the city, and presently Raine would follow; wherevpon it was called the Raine Stone *Lapis manalis a manando*. *Numa pompilius* in the honour of *Mars*, surnamed *Gradiuus*, ordained 12. dauncing Priests, called *Salij* à [z] *saliendo* from dauncing, which number afterward wee finde to haue beene doubled by *Tullus Hostilius*, in the warre against *Fidena*, a towne of the *Sabines*. The former 12. being called *Salij palatini*, from the palatine Mount, where they did begin their mauriske: the other, *Collini*, from the hill where their chappell stood; [a] and sometimes *Quirinales*, and sometimes *Agonales*: so that the whole colledge contained 24. Priests. [b] The occasion of their first institution was this: Vpon a certaine time, in the reigne of *Numa*, the plague, or some other contagious sickneale was very hot among the Romans, insomuch, that no sacrifice, or holy offering could remoue it: at that time a certaine brasen Target, or Scutcheon, called in Latine *ancyle*, or *ancile*, bigge at both ends, but cut like an halfe Moone on each side, fell from heauen into *Numa* his hands, with a certaine voice promising all health vnto Rome, so long as that brasen target could be kept safe. Wherevpon *Mamurius*, a cunning workman, by the appointment of *Numa*, made eleuen other *ancilia* so like the first, that neither could be known from the o-

x Rosin anti. lib. 2 cap. 10.

y Rosin Ibid.

z Plutarch. in Numa.

a Dion. Halicarn. lib. 2.

b Plutarch. in Numa.

ther: (to the intent that if any should be so wicked minded as to steale it, he might faile of his purpose by mistaking one for another.) These twelue Priests, had the custodie & keeping of them committed to their charge, and in the month of *March* every yeere they apparelled themselues with a party coloured coat, called *tunica versicolor*, girt close to their boby, with a belt, or sword-girdle, and a breast-plate of harnesse, called *aneum tegmen* vpon that, and a robe of estate called *tarbea*, clasped about them vpmost of all. Vpon their heads they did weare *apices, id est*, Caps[c] much like vnto the *Persian* Bonnets, called in Greeke, κυβαϛεις or τιαραι. They did somewhat resemble our head-peeces in warre, made close vnto the head, with a crest of cloath vpon the top, whence some haue called them *Galeas*. They being thus apparelled, danced about the *Forum*, or market-place, and the Capitoll with short swords by their sides, a Iauelin in the right hand, and their *ancile* in the other, vsing certaine Songs, either of the gods, and those they called *Ianualij*, *Iunonij*, and *Minervij*; or of men, and those they called *examenta*, because in those Songs they did *axare, id est*, nominate and call vpon the names of some well deseruing men: as *Mamurius* which made those eleauen Scutcheons, was often called vpon in those Songs. Vpon their feastiuall daies they had excesse of cheere, whence [d] *Horace* hath vsed, *saliares dapes*, to signifie dainty fare.

c Dion. Halicarn. lib. 2.

d Horat. lib. 1. Ode. 37.

Cap. 12.

De Fœcialibus, & Patre-patrato.

These *Fœciales* were Officers at Armes, or Heralds, to denounce war, or proclaime peace, appointed therevnto at first [e] by *Numa Pompilius*. [f] The chiefe part of their Office was to dissuade the *Romanes* from molesting any confederate Nation with vniust warre: and if any confederate

e Pomp. Lætus de sacerd.

f Dion. Halicar. lib. 2.

cõfederate Nation did offer iniury vnto the *Romane* people, thẽ did theſe *Fœciales* goe as Embaſſadours vnto them; perſwading, and exhorting them to yeelde the *Romanes* their right: but if they continued thirty daies obſtinate, refuſing to yeelde vnto that which ſhould be iuſt and right, then did they preſently denounce warre againſt them, caſting forth a dart in token thereof: which denunciation was [g] called *clarigatio á clarâ voce, quâ vtebantur Fœciales.* Others are of opinion, that whenſoever warre was denounced, this Herald at Armes, ſhould [h] turne looſe a Ramme vnto their enemies borders; ſignifying thereby, that their fieldes ſhould ſhortly become paſture for the *Romanes:* from which cuſtome wee ſay of one that challengeth another into the field, *Arietem emiſit.* Againe if the *Imperator*, or Lord-generall had done ought againſt his Oath, theſe *Fœciales* by their ſacrifice did avert the wrath of the Gods from him. The chiefeſt of them was called *Pater-patratus*, a perfect Father: for he onely could be *Pater-patratus*, which had both children of his owne, and his Father alſo aliue. They were called *Fœciales á fœdere faciendo*, from making a league or peace betweene Nations. This league which we in Latine do call *Fœdus*, the *Romanes* in old time [i] did call *Fidus*, as *Ennius* and *Pighius* witneſſe: whence theſe *Fœciales* were tearmed alſo *Ficei Flamines.*

g Serv. Aen. lib. 10.

h Vid. Eraſm. Adag.

i Pighius Septim. lib. 1.

CAP. 12.

De Duum viris, & Decemviris, & Quindecemviris, ſacris faciundis, item de Sibillis.

THis Prieſt-hood had his firſt inſtitution, from *Tarquinius Superbus*, whoſe Office was, as well to expound, as to keepe the Oracles of thoſe tenne Propheteſſes ſo famous throughout the world, called *Sibilla.* Concerning whom [k] *Munſter* hath theſe words: In times paſt there came

k Munſter. in ſua Coſmog. lib. 2.

a ſtrange woman to *Tarquinius* the King offering nine bookes, full of the *Sibylline* Oracles to be ſould: But *Tarquinius*, thinking the bookes too deere, refuſed to buy them. The woman departing, burned three of theſe bookes, and came the ſecond time vnto *Tarquinius*, demanding as much for thoſe ſix bookes, as formerly ſhee had done for the nine. *Tarquinius* began to deride her, whereat the woman departing, and burned three more, returning againe vnto *Tarquinius*, and asking as much for the three left, as ſhe asked at firſt for all nine. Then began *Tarquinius*, more ſeriouſly to bethinke himſelfe thereof, & ſent for his *Augures*, asking counſell and adviſe of them. And they vnderſtood, by certaine ſignes obſerved, that the King had refuſed ſome ſpeciall goodnes ſent from the Gods: and for the bookes that remained, they adviſed, that the woman ſhould haue what ſhe asked: As ſoone as the woman had deliuered her bookes, ſhee preſently vaniſhed, and was never ſeene againe; onely warning them to keepe the bookes as ſafe as poſſibly they could. For the ſafe keeping of theſe, *Tarquinius* choſe two of the Noblemen, or *patricij*, calling them *Duumviri*, appointing them, as well by ſtudy to expound, as with care to keepe thoſe Oracles. In proceſſe of time, the people obtained, that ten ſhould be appointed to this office, [l] five of them being choſen out of the Commons, and fiue out of the Nobles: and then they were called, the *Decem-viri*. Afterward by *L. Silla* as it is thought, fiue more were added, ſo that they were then called, the *Quindecem-viri*: nay the number was encreaſed by *Sylla* vnto forty, [m] as *Servius* thinketh, but ſtill called by the name of *Quindecim-viri*. Of theſe women that had the ſpirit of prophecy, ten were very famous: the firſt was called *Perſica*, the ſecond *Libyca*, the third *Delphica*, the fourth *Cumæa*, the fifth *Erythræa*, the ſixth *Samia*, the ſeventh *Cumana*, the eight *Helleſponta*, the ninth *Phrygia*, the tenth *Tiburtina*. They all Propheeied of the incarnation of *Chriſt*. The place where theſe bookes were kept, was within the Capitoll, vnder

l Feneſte. de ſacerd. c. 13.

m Serv. Æn. lib. 6.

Vnder ground in a cheſt of ſtone, where they remained ſafe vntill the burning of the Capitoll, at which time they alſo were burned. Notwithſtanding, many of the propheeies haue beene knowne, partly by tradition, and partly beeing taken out of ſother Copies in other Countries. One of the propheeies concerning our Saviour Christ, was vttered by *Sibylla Delphica* in manner as ſol'oweth: [n] *Naſcetur propheta abſq; matris coitu ex vtero eius*, that is, There ſhalbe a Prophet borne without any copulation of the mother, even out of her wombe. It was ſpoken at *Delphos*. All their propheeies were of that certainty, that when we would averre any thing to bee vndoubtedly true, wee vſe to ſay, it is *Sibylla ſolium*, as true as *Sibyllas* Oracles. The *Cumaa Sibylla*, did write her Oracles at the mouth, or entrance of her Caue, in leaues of trees, which the fierceneſſe of the winde did oftentimes ſo ſcatter, that they could hardly be brought in order againe: inſomuch that when wee would ſhew the great difficulty of bringing things in order wee may vſe [o] *Politian* his words, *Laborioſius eſt, quàm Sibylla folia colligere* it is eaſier to gether *Sybillas* leaves. This name *Sybilla*, is not a proper name, but an appellative, common to all woman endowed with the ſpirit of propheeie, taking their denomination from [p] θὸς, which is in the *Æoliake* dialect the ſame that Θεὸς, *id eſt*, God, and Βουλὴ, *id eſt*, councell, becauſe they did open and declare the councell and determination of God vnto the people. It appertained alſo vnto theſe *Quindecim viri* aboue mentioned, to ſee that ſacrifice, and diuine ſeruice, that ſupplications, and proceſſions, expiations, and all ceremoniall rites were duely performed.

n Munſter. in ſua Coſmog. lib.

Credite me vobis ſolium recitare Sibylla.

o Epiſt. lib. 1. epiſt. 1.

p Serv. Aeni. lib 6. *ſiue enim Deos, non Deos: & conſilium nõ βουλὰ ſed βουλὰ appellauit, deſiderio grammaticæ laſſi. de falſa religione, lib. 1. cap. 2.*

Cap. 13.

De Bonâ deâ, & sacris eius.

THis Goddesse, which is so famous by the name of *Bona dea*, is the Globe of the earth, which is therefore termed *Bona dea*, the good Goddesse, because wee reap so many good things from the earth. She is called also *Ops*, the helping Goddesse *ab ope*, from helpe, because by her helpe we liue. She is called *Fatua*, and *Fauna*, *id est*, the Goddesse of speech, because young children doe never speake vntill they are able to goe, and so haue touched the earth. The *Grecians* called her γυναικεῖα θεὸς, the Femall Goddesse, because that no Male might be admitted to her sacrifices; nay the very pictures of men were at that time to be covered. The inner roome, where her sacrifices were, was called, τὸ γυναικεῖον the place for womens assemblies. [q] Those that were chiefe in these sacrifices, were the Vestall Nunnes. This good Goddesse was supposed to be the wife of *Faunus*, & vpon a time to haue beene taken drunk with wine by him: for which fault, *Faunus*, is said to haue beaten her to death with rods of Mirtle tree. But afterward being sorie for that he had done in amends he made her a Goddesse: and as it were ever after detesting the Mirtle tree, hee hallowing all other hearbs, and flowers to be vsed in these sacrifices, forbad the Mirtle tree. Some say she was so chaste, that she never was seene by any man but by her husband, and in respect of her chastitie the Mirtle tree is forbid, because it was consecrated to *Venus*. But whereas in this sacrifice they vsed wine, they called it not by the name of wine, but milke or hony: [r] whence they called the vessell wherein the wine was put, *amphoram mellariam*, *id est*, the hony vessell. This sacrifice became very famous by reason of *Clodius*, who being in loue with *Pompeia*, *Iulius Cæsars* wife, came vnto these sacrifices in womans apparell and

was

q Cic. orat. de Aruſp. reſponſis.

r Alex. Gen. dier. l. 6. c. 8.

was found out by *Aurelia, Iulius Ceſars* mother. This *Clodius* became ſo infamous for this, and other his adulterous prankes that hee occaſioned a common proverbe amongſt the *Romanes, Clodius accuſat machos*, anſwerable to which our Engliſh ſaying is, One theefe accuſeth another.

CAP. 14.

De Cybelle, & ſacerdotibus eius.

THis Goddeſſe *Cybele*, or rather *Cybelle* was in her infancie expoſed vnto wilde beaſts, vpon the hill *Cybellus*, where ſhe being nouriſhed by the wilde beaſts afterward became a woman of admirable beauty, and being found by a ſheapheards wife, was brought vp by her as her owne child, & called *Cybelle*, from the hill *Cybellus*. She excelled in all naturall guifts, and was the firſt that vſed a Taber and Pipe, and Cymbals among the Greekes. Moreover, ſhee tenderly loved children, and therefore was called *magna mater*: ſhee was alſo called *mater deorum*, the mother of the Gods.

Ipſa deûm fertur genetrix Berecynthia. Virg.

Shee was called *Rhea*, ἀ ῥέω, to flow, becauſe ſhee doth flow and abound with all kinde of goodneſſe. She was alſo named *Peſſinuntia*, from the City *Peſſinus* a Mart-towne in *Phrygia*, where ſhee had a Temple. Moreouer, ſhee was called *Berecynthia*, from the hill *Berecynthus* in *Phrygia*, where ſhe was worſhipped. Her Prieſts were called [f] *Galli*, and their chiefe gouernour *Archigallus*: they tooke their name from a certaine Riuer in *Phrygia*, called *Gallus*: of which whoſoeuer dranke, he became ſo mad, that he would preſently geld himſelfe, (as in truth all her Prieſts were enioyned to geld themſelues with a fiſh ſhell.) The originall of which cuſtome is rendred thus: *Cybelle* loued a young man of *Phrygia* called *Atys*: and him ſhee appointed chiefe overſeer for her ſacrifice

[f] Pomp. Lætus de ſacerd.

fice vpon condition that he would keepe himselfe chast perpetually. But hee not long after deflowred a Nimphe, for which fact, *Cybelle* bereft him of wits and vnderstanding, so that he in his madnesse did geld himselfe, and would haue killed himselfe also, had not the Gods in their commiseration towards him, turned him into a Pine-tree. In remembrace of him ever after her Priests were gelded. Every yeere the *Prætors* did sacrifice vnto this Goddesse. But the performance of the holy and religious rites at that time did belong vnto a *Phrygian* man, and *Phrygian* woman chosen for that purpose: which according to the manner of their Country being apparelled with a party coloured garment, called in Latine *Synthesis*, or *amictus variegatus*, & carying the picture of their Goddesse about with them in the streetes, they stroke their breasts with their hands, keeping tune with the Tabers, Pipes, and Cymbals, which other people following plaied vpon: The Priests were also called *Corybantes* from one *Coribantus*, which was one of her first attendants. And hereupon we call the Cymball *æra corybantia*. In this manner dancing about the streets, they begged money of the People whom they met: and hence were they named, *Cybelle* her collectors, or her *circulatores, id, est*, Iuglers. Some called them μητραγύρτας from μήτης which in this place signifieth *Cybelle*, called the great mother, and ἀγύρτης a begger or gatherer of alms. [u] Others haue called them *Matricia*: But by what name soever they were called, the place was so infamous by reason of their drunkennesse, and vncivility vsed at these times, that when they would point out a notorious naughty fellow, they would call him, *circulatorem Cybelleium*, *Cybelle* her Iugler. Neither was it lawfull for any free borne to vndertake that office.

[t] *Cybelleium Atin Frxuit hos hominem truncoq; induruit illa.* Ov. Met.

[u] Rosin. ant. l. 3. cap. 27.

CAP.

Cap. 15.

De Collegio Pontificum, & Pontifice Maximo.

THis word *Pontifex*, is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also Pontifies in English from one part of their Office, which was to haue the oversight of a great wooden bridge, called in Latine *Pons sublicius*, being so great, that Carts & Waines might passe over it; haueing no arches to vphould it, but only great piles, and posts of wood: [x] and that which is most remarkable in it, was that it was ioyned together onely with woodden pinnes, without any iron at all. Others are of opinion, that they were tearmed *Pontifices quasi potifices*, from *potis* and *facio*, of which opinion *Lucane* seemeth to bee, according to that, *Pontifices sacri quibus est commissa potestas.* Concerning the [y] number of them, onely foure were appointed by *Numa*, all which then were to bee chosen out of the *Patricij*: afterward foure more were added out of the Commons. These were called *Pontifices maiores*, or chiefe Pontifices, to distinguish them from seuen other, which afterward *Sylla* added, and [z] called them, *Pontifices maiores*, inferiour Pontifices. The whole company of them was called the Colledge of Pontifies. This Colledge is priuiledged from all allegeance, being not bound to render account of their doings either to the Senate or Commonalty. They were to determine all questions concerning religion, as wel betweene their Priests, as betweene priuate men, They had authority to punish any inferior priests, if he either detracted or added vnto those religious Rites, which were prescribed him. They had their great pontifie, whom they called *Pontificem maximum*. These Pontifies were wont to exceed in their diet, insomuch that when the Romanes would shew the greatnes of a feast, they would say it was *Pontifica cœna, id est*, according to

x Plutarch. in Numa.

y Feneſt. de sacerd.

z Rosin. antiq. lib. 3. c. 22.

out Englisſh phraſe, a feaſt for an Abbot. *Cœna adjcialis*, is taken for the ſame. [a] *Lipſius* in the expoſition of the latter phraſe taxeth the Printers negligence, and is of opnion, that it ſhould rather be printed, *Cœna aditialis*, vnderſtanding hereby a ſolemne feaſt made by Magiſtrates in *aditu honoris*, at their entrance into their office, and at their day of inauguration.

a Lib. 4. de magnit. Rom. cap. 9.

Cap. 16

De Epulonibus

THe Pontifies in old time appointed three men, whom they called [b] *Trumviros Epulonum* (from *Epulum* a feaſt) to haue the overſight of the feaſts made at ſacrifices afterward by reaſon of two twice added, they were called firſt *Quinqueviri*, and at length *Septemviri Epulonum*.

b Lazius de Repub. Rom. l 3. cap.

Cap. 17.

De Titijs.

ANother ſort of religious men there were, which lived in the Suburbs of the City, and practiſed ſoothſaying: They were called *Titij* [c] from the name of the birds which they obſerved, which in Latine were called *Titia*.

c Pancirollus lib. rerum deperditarum c. de mole Hadriani.

Cap. 18.

De Virginibus Veſtalibus.

NEere vnto *Caſtors* Temple, ſtood the religious houſe or Nunnerie, dedicated to the Goddeſſe *Veſta*: where at the firſt were foure, after ſix Virgins, or Votaries elected

elected, whoſe office was chiefly to keepe the ſacred fire: the extinction whereof prooved ominous, and did portend ſome evill euent ſhortly to happen: And therefore for their negligence herein as for all other ſmal faults, they being had into a darke corner, ſtripped naked, and a curtaine drawne halfe way ouer them, the chiefe Pontifie ſcourged them: neither was it lawfull to kindle the fire once put out, with any other fire, but from the ſun beames; for which purpoſe they had certain inſtruments named σκαφία, which were formed in the manner of a *pyramis*, but hollow; ſo that the beames being collected within the circumference, & meeting in the *vertex*, did eaſily kindle any combuſtible matter put into it; but chiefly if the matter was of blacke colour; becauſe, as philoſophy teacheth, a darke colour doth congregate, or collect the beames, whereas whiteneſſe doth diſperſe them. A ſecond part of their office was to worke reconciliation betweene parties offended, as appeareth by [d] *Suetonius*: where we may reade, that by their interceſſion, *Sylla* was reconciled to *Ceſar*. They were choſen into this place betwene the ſixth, and the eleuenth yeere of their age: and they were to remaine in this Nunnery 30. yeares ſpace, 10. yeares to learne their ceremonies and myſteries, 10. yeares to exerciſe them, and 10. yeares to inſtruct others: within which ſpace if they had ſuffered their bodys to be defiled, they were to vndergoe that fearefull puniſhment [*] afore mentioned. But theſe 30. yeares being expired, marriage was lawfull for them, ſo that they laid aſide their ſceptres, their fillets and other their Sacerdot all ornamẽts Notwithſtanding thoſe which did marrie, in the end dyed fearfull deaths: whereupon they choſe rather to abſtaine commonly. The *Romanes* had them in great honour, ſo that they never walked abroad, but with an yron ſceptre in their hands, and whatſoever maleſactor met them (if the Nun would take her oath it was by chance) he eſcaped puniſhment. They were named *Veſtals* from their goddeſſe *Veſta*, which word (as [e] *Munſter* writeth) is deri-

[c] Plutarch in Numa.

[d] Suet in Iulio

[*] Vid. ſup p. 11.

[e] Munſt. in ſua coſmog. lib. 2. c. 9.

ved from the Hebrew *radix* signifying fire. The eldest was called *Maxima Vestalis virgo, id est*, the Lady prioresse, or chiefe-gouerneſſe.

Cap. 19.

De veterum ſacrificijs & ritu ſacrificandi.

WHatſoeuer was burnt or offered vp vnto the Gods vpõ an Altar, it had the name of a ſacrifice: & ſometimes it was called, *victima, quòd vincta ad aras ſtabat*, becauſe the beaſt to be ſacrificed, ſtood bound vnto the Altar. Sometimes, *Hoſtia*, from an obſolete verbe *Haſtio*, which is to ſtrike: becauſe certaine vnder Officers called in Latine *Popæ* (ſtanding by the Altars, all their vpper part naked, and a Lawrell garland vpon their head) did *Hoſtiare victimam, id eſt*, ſtrike downe and kill the ſacrifice. Others are of opinion, that this name *Hoſtia*, is taken from *Hoſtis*, an enemy; according to that of *Ouid*: *Hoſtibus à domitis hoſtia nomen habet*; becauſe either before warre, to procure the Gods fauour; or after warre, in token of thankfullneſſe, they did *hoſtiam ferire, id eſt*, offer vp the ſacrifice. The ſecond differenee of ſacrifices haue bene occaſioned in reſpect of the time, & ſo they haue beene called *Præcidaneæ*, or *ſuccidaneæ, quaſi præcedaneæ & ſuccedaneæ*. Thoſe ſacrifices which were offered vp the day before any ſolemne ſacrifice, were called *Præcidaneæ hoſtiæ*, fore-ſacrifices, as we Engliſh *præcurſorem*, a forerũner: which fore-ſacrifices, if by any token they found vnlucky, then would they offer vp a ſecond ſacrifice which they tearmed *hoſtiam ſuccidaneam*: and becauſe theſe ſecond ſacrifices were to be offered only in ſteed of the other, when they were vnlucky or faulty; hence hath *Plautus* vſed this ſpeech. *Meum tergum ſtultitiæ tuæ ſubdes ſuccidaneum?* Muſt I bee whipped for thy fault? The manner of ſacrificing was as followeth. Some certaine daies before any ſacrifice was to bee

be performed, the prieſt was wont to waſh his whole body, [f] eſpecially his hands and feet, which if he had not waſhed, the ſacrifice was accounted polluted and alluding vnto this cuſtom, we ſay, a man doth *Accedere ad rem illotis manibus* or *illotis pedibus*, as often as he enterpriſed any buſineſſe, without due reverence or preparation therevnto.

[f] Vid. Eraſm. Adag.

Μηδὲ πρὶ ἠῶθεν δύ' λοῦσθαι αἶδα μύουσιν.

Χερσὶν ἄπο πίσσαν Heſiod. ἔργα καὶ ἡμ.

Moreover, the prieſt was to abſtaine from his marriage bed, as likewiſe from diuers kinds of meats, and at the time of his going to ſacrifices, either himſelfe, or ſome inferior Sexton going before him, with a rod or wand in his hand (called *Commentaculum*) vſed this forme of words vnto the people: *Hoc age*, attend this you are about: which cuſtome ſeemeth to haue had its originall from the *Grecians*. For before the time of ſacrifice, the Grecian Prieſt vſed almoſt the like ſpech vnto his people: as, τίς τι δῆ, *id eſt*, Who is here? the people anſwered, πολλοὶ καὶ ἀγαθοὶ *id eſt*, many men, and good. After this preparatiõ, then did the Prieſt, laying his hand vpon the altar, rehearſe certaine prayers [h] vnto the God *Ianus*, and the Goddeſſe *Veſta*; becauſe the *Romans* were perſwaded, that without their intercceſſion, the might not haue acceſſe vnto the other gods. His prayers being ended, then did hee lay [i] vpon the beaſts head a little corne, together with a cake made of meale and ſalt, called in Latine *Mola*, [k] *Mola erat far toſtum, ſale aſperſum*. From this ceremony, the act of ſacrificing hath beene termed *Immolatio*. After this, the ſoothſayer drank wine out of an earthen or woodden chalice, called in Latine *Simpulum*, or *impuvium*. It was in faſhiõ much like our ewers, when wee powre water into the baſon. This chalice was afterward carried about to all the people, that th y alſo might *libare*, *id eſt*, lightly taſte thereof, which rite hath beene called *Libatio*. Now euery one hauing taſted thereof, the reſt of the wine with frankinſence mixt in it, was to be powred vpon the beaſts head, [m] *betweene* the hornes,

g Plutarch. Numa.

h Seru. Aeei. lib 1.

i Pancirol lib. terum deperdit cap. de ſale Ammoniaco.

k Textor in ſua officina. *Spange ſaſſa cala tauorum mola*, Sen. Oedip. Act 2. ſc. 2.

l Pancirol. lib. rerum deperdit cap. de. Ammoniaco ſale.

m *Media inter cornua fundit.* Virg. Aeneid.

one crying out with aloud voyce, *Macta eſt hoſtia, id eſt, Magis aucta*, more encreaſed and made more pleaſing vnto the Gods: as *Virgil* ſaith, *Macte novâ virtute puer, id eſt*, O good child which increaſeſt in vertue. And hence euen from this tearme, we may coniect, that the word *Macto*, which ſignifieth to kill, and ſometimes to ſacrifice, hath had its originall, becauſe they did immediately after that voice, *mactare hoſtiam*, that is, ſlay the ſacrifice, and that was done in this manner. [n] First the Prieſt did pluck off ſome of the beaſts haires betweene the hornes, and caſt them into the fire, calling them his *prima libamina, id eſt*, his firſt offrings: Then did he, turning his face toward the Eaſt, draw a long crooked knife vpon the beaſts back, commanding his vnder Officers, which I called *Popæ* (others *Cultrarij*, from their knife; *Victimarij*, from the hoaſt; and *Agones*, becauſe they ſtanding ready to giue the ſtroake, often vſed this word *Agon*, for *Agòne, id eſt*, muſt I to my work?) to kill the beaſt. The other people ſtanding by, ſome did with veſſels ſaue the blood, others did flea or skinne the beaſt; others waſhed it. Anon, ſome Soothſayer or Prieſt, did obſerue the entrals, turning & winding them with a knife, which was called *Seceſpita, á ſecãdo*: for he might not touch them with his hand, they conceiting, that if the ſacrifice had proued polluted, his hand would thẽ haue periſhẽd. Now after the Soothſayer or Prieſt had ſufficiently turned the entrals, & found no ill token therein, then did thoſe *Popæ*, or Church-buchers, cut off from every bowel ſome portiõ, which after they had rolled in barly meale, they ſent it in baskets to the Prieſts, & the Prieſts taking it vp into a broad charger or platter, called *diſcus*, or *lanx*, laid it vpõ the Altar & burnt it, and [o] this was properly tearmed *litare*, or *Reddere, id eſt*, to ſatisfie by ſacrifice, or to pay the ſacrifice which was owen vnto the Gods. Afrer that the portion laid out for the Gods, had beene burnt: then did all the people repaire vnto a common feaſt; where, as they were eating, they ſung Hymnes, and Songs, in the praiſe of their Gods, & playing

n Roſin. antiq. lib 3. c. 33

o Ioac. Camerar pro Place.

ing on Cymbals, they danced about the Altars; intimating thereby, that there was no part of their bodie, but should be imployed in the service of their Gods. Now vntill all their Ceremonies and Mysteries were finished, it was not lawfull for any to tast of this feast: insomuch that we since haue vsed to checke a glutton, or greedy-gut, which cannot abstaine from his meat till grace be saide, in this manner, *Sacra haud immolata devorat.*

Cap. 20.

De nuptijs, & nuptiarum renunciatione.

SEeing that marriages, and burials, haue such dependance vpon the Priests, it will not be amisse to conclude this Section, with two Chapters, briefly opening the Ceremonies of both. Before we come vnto the solemne Ceremonies, vsed by the *Romanes* in their marriages, wee will first shew the manner of their contracts, which were called by the *Romanes*, [a] *Sponsalia á spondendo*, because in their contracts, each did promise other to liue as man and wife. Now the manner of contracting was commonly thus: They did for the greater security, write downe the forme of the contract vpon tables of record, as appeareth by *Iuvenal, Sat.6.*

a Salmuth. in panciroll. lib. rerum deperdit. cap. de nuptiis.

Si tibi legitimùs pactam, iunctumq́; tabellis
Non es amaturus ——

These tables were also sealed with the signets of certaine witnesses there present, who were termed from their act of sealing, *Signatores.* Moreover, before they would begin the Ceremonies of their contract, the man procured a Soothsayer, and the woman another, with whom first they would consult. Whence *Iuvenal, Sat.10.*

——*Veniet cum signatoribus auspex.*

The token or signe which these Soothsayers in time of observing accounted most fortunate, was a Crow: [b] *Ea enim cornicum*

b Alex. Gen. lib.2.

cum societas est, vt ex duabus sociis altera extincta, vidua altera perpetuò maneat. The man also gaue in token of good will, a Ring vnto the woman, which she was to weare vpon the next finger vnto the litle of the left hand [c] because vnto that finger alone: proceedeth a certaine artery from the heart The word *Nuptiæ*, which signifieth mariage, had its derivation *á Nubo*, [d] which verbe in old time, signified to cover: the custome being, that the woman should be brought vnto her husband, with a [e] yellow vaile (called *Flammeum*) cast over her face. Againe because of the good successe that *Romulus*, and his followers, had in the violent taking away of the *Sabine* women, [f] they continued a custome, that the man should come and take away his wife by a seeming violence, from the lap or bosome of her mother, or her next kinne. She being thus taken away, her husband did dissever & diuid the haire of her head, with the top of a speare, wherewith some Fencer formerly had beene killed. This speare was called by them *Hasta cælibaris*, [g] & the Ceremony did betoken, that nothing should disioyne them, but such a speare, or such like violence. The next day after the marriage, a solemne feast was held, where all the Bride-mans and Bride-womans friends met to make merry; this feast they called *Repotia*. We must note, that [h] three manner of wayes, a woman became a mans lawfull wife: *vsu, confarreatione, coemptione.* A woman became a mans lawfull wife, *Vsu*, 1. By prescription or long possession, if that she were wedde with the consent of her overseers, and so did liue with the man, as with her lawfull husband, a whole yeeres space, *nullo interrupto vsu, id est*, [i] she being not absent from him three nights in the whole yeere. and some haue thought, that the counterfeited violence, in taking away the Mayde from her friends, was vsed onely in this kind of marriage. A woman became a mans wife *confarreatione, id est*, by certaine solemnities vsed before a Pontifie, or chiefe Bishop, when the woman was giuen vnto the man vsing a set forme of words, ten witnesses being present, & a solemne

sacrifice

[c] Aul. Gell.

[d] Rosin. ant. lib. 5. c. 37.

[e] Plin. lib. 21. cap. 8.

[f] Sig. de iur. Rom. l. 1. c. 9.

[g] Salmuth. in Pancirol lib. rerum deperdit. cap. de nuptiis.

[h] Boeth. Topicor. 2. Vid. Cæl. Rhodig. lib. 28. cap. 17.

[i] Sig. de. iure. Rom. l. 1. c. 9.

sacrifice being offered, at which the couple married should eate of the same barly cake, which formerly had beene vsed in the sacrifice. Which sacrifice was tearmed, *a farre, confarreatio*, & the marriage it selfe, *Farraciа*,[k] and sometimes *sacra* simply; the dissolution of this kind of marriage *Diffarreatio*. A woman became a mans wife, *coemptione, id est*, by buying & selling, when the woman did vnder a feigned forme of sale buy her husband, by giving him a piece of coyne. *Veteri Romanorum lege, nubentes mulieres tres ad virum asses ferre solebant: atq; vnum quidem quem in manu tenebant, tanquam emendi causâ marito dare.*[m] To these three some teach, that a fourth sort of marriage was in vse among the *Romans*; namely, when a woman became a mans wife, *sortitione*, by a kind of lottery: and of this they say, *Sueton* speaketh.[n] In that kind of marriage, which was *per coemptionem*, the man was not named by his proper name, nor the woman by hers; but the man was named *Caius*, & the woman *Caia*, in the memory of the chaste and happy marriage of *Caia Cæcilia*, wife to *Tarquinius Priscus*: from whence sprang a custome among them, that the new married wife, when shee was brought home vnto her husbands house, was to vse this proverbe. *Vbi tu Caius, ibi ego Caia*; by which words she signified, that she was now owner of her husbands goods, as well as himselfe: and therefore *Erasmus* hath expounded that saying, by these wordes; *Vt tu dominus, ita ego domina*,[o] And she that was thus married, *Per coemptionem*, was properly called *Mater-familias*.[p] If any of these Ceremonies were omitted, then was the marriage tearmed, *Nuptiæ inuptæ*, in which sense wee call our enemies guifts no guifts; Ἐνδυτὰ ἄδωρα δῶρα. These Ceremonies being ended, towards night the woman was brought home to her husbands house, with fiue Torches; signifying thereby, the neede which married persons haue of fiue Gods, or Goddesses, *id est*, *Iupiter*, *Iuno*, *Venus*, *Suadela* and *Diana*, who oftentimes is called, *Lucina* (the reason of the name being rendred by *Ovid*.

k Cic. orat. pro Muræna.

l Sig de iure. Rom. l. 1. c. 9.

m Sueton in Tiber. c. 35.

n Cic. orat. pro Muræna. Item Fr. Sil. ib.

o Cel. Rhodig lib. 28. c. 17.

p Hieron. Ferarius in Philippic. orat.

——*Dedit*

——Dedit hæc tibi nomina lucus,
Aut quia principium tu Dea Lucis habes.

There are of opinion, who thinke that the vse of these Torches, was not only to giue light, but to represent the element of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquæ*: for which reason the custome likewise was, to be sprinkle the new married woman with water: yea they did both in time of their contract touch water and fire prouided for that purpose. The signification of this Ceremonie, some thinke to be thus. The fire, because it is an active element, to represent the man: the water, because it is passive, to represent the woman. Others say that in the community of these two elemẽts, was intimated the community betweene man & wife, of all other their goods and possessions, which was more fully declared in that forequoted proverbe, vsed by the wife. *Vbi tu Caius, ibi ego Caia.* The matter whereof these Torches were made, was a certaine tree, from which a pitchie liquor did issue: it was called *Teda*, and thence haue the Poets figuratiuely, called both the Torches, and the wedding it selfe *Tedas*. When the woman had beene thus brought to the doore, then did she annoint the posts of the doore with oyle, of which Ceremony, the wife was called *vxor quasi vnxor*. This Ceremonie of annointing being ended, the Bride-man did lift her ouer the threshold, and so caried her in by a seeming force, because in modesty shee would not seeme to go without violence into that place, where shee should lose her maidenhead. At her carrying in, all the company did cry out with a loud voice, *Talassio, Talassio*: for which custome, *Plutarch* alleageth many occasions; this being one. Among those who rauished the daughters of the *Sabines*, there were found some of the meaner and poorer sort, carrying away one of the faireſt women: which being knowne, certaine of the Citizens would haue taken her from them, but they beganne to cry out, that they carryed her to *Talassius*, a man well

* Pancirol. l. rerum deperd. cap. denuptiis.

q Seruius. Aen lib. 4.

r Plutarch vita Pompeii.

well beloued among the *Romanes* at which naming of *Talassius*; they suffered her to be carried away, themselues accompanying her, and often crying *Talassio, Talassio*. From whence it hath beene continued a custome among the *Romanes*, ever at their marriages to sing, *Talassio, Talassio* as the Greekes did, *Hymen, Hymenee*. From this custome of leading or bringing home of the new married Bride, commeth that Comicall phrase, *Ducere vxorem*, to marrie a wife. She being thus brought home, receiued the keyes of her husbands house, whereby was intimated, that the custody of all things in the house was then committed vnto her. [r] The marriage bed was called, *Genialis lectus*, as we may suppose, *quasi Genitalis*. [s] Sometimes it was called, *Lectus adversus, quòd hunc lectulum religiosè seruari mos fuit, & in atrio collocari, ianuæ ex aduersum, id est*, they placed this bed in the Court, directly opposite to their gate, keeping it as some religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman receiued guifts of her friends, which the Lawyers tearme, *Nuptialia dona*. [t] But *Cicero* expoundeth these *Dona nuptialia*, to be certaine tokens, which the husband sent to his wife before the betroathing. If after the marriage, any discontent had fallen out betweene the man and his wife, [u] then did they both repaire to a certaine Chappell, built in the honour of a certaine Goddesse, called *Dea viri-placa, à viris placidis*, whence after they had bene a while there, they returned friends. We haue thus seene the Rites and Ceremonies, which the *Romanes* vsed in their contracts and marriages; it would not be impertinent to annexe the māner of their diuorcements, which vpon iust causes were permitted. There [x] were two manner of divorcements, the one between parties only contracted; the second between parties married. The first was properly called *Repudium*, in which the partie suing for diuorcement, vsed this forme of words, *Conditione tuâ non vtar*. The second was called *Divortium*, wherein the partie suing for it, vsed these words. *Res*

[r] Alex. Gen. dier. l. 2. c. 5.
[s] Lipſ. Elect. lib. 1. c. 17.
[t] Vid. Fr. Silv. pro Cluentio.
[u] Sig. de iure Rom. l. 1. c. 6.
[x] Rosin. ant. l. 5. cap. 38.

tuas tibi habeto: vel res tuas tibi agito. Both these kinds were tearmed, *Matrimonij renuntiationes*, renouncing or refusall of marriage. where we must note, that insteed of this verbe *renunciare*, diuers good Authors doe vse this phrase *Mittere*, or *Remittere nuncium*: as *C. Cæsar Pompeia nuncium remisit*, *Ep. fam. l. 5.* *C. Cæsar* hath diuorced *Pompeia*. And alludiug hereunto *Cicero* saith, *virtute nuncium remisit, id est*, he hath cast of all goodnesse, he hath even diuorced vertue. Secondly, we must note, that this verbe *Renuncio*, doth not onely signifie to renounce, or to refuse, but many times in *Tully*, it signifieth to declare or pronounce a Magistrate elected, as *Renunciare consulem, Pratorem, &c.* The reason why in matrimoniall contracts, it signified to renounce, or refuse, was because in these, diuorces, they did oftentimes send to their wife *per nuncium* by a Messenger, some bill or scrole of paper, containing the causes of the diuorce. Moreover, we are to obserue, that in these diuorces, the ceremonies were quite contrary to those in mariages; the iust causes of diuorce being foresignified to the Censors, the marriage tables were broken, the dowry restored the keyes of the house taken from the woman, and she turned out of doores: all which Ceremonies are at large treated of by *Thom. Dempster. lib. 5. Antiq; Rom. cap. 38.*

Cap. 21.

Quo apparatu, quibusq; ceremonijs apud veteres defuncta corpora igni tradebantur.

THe *Romans* in ancient time, when they perceiued a body dying, had such a custome, that the next of the kinne should receiue the last gaspe of breath from the sicke bodie, into his mouth, as it were by the way of kissing him: (to shew thereby how loath and vnwilling they were to be depriued of their friends) and likewise should close the eyes of the party being deceased. Whence *Anna* said vnto her

her ſiſter *Dido* now dying.

———[f] *Extremus ſiquis ſuper halitus errat.* [f] Virg. Aen. 4.
Ore legam———

And *Penelope* wiſhing that her ſonne *Telemachus* might outliue her ſelfe, and his father writeth to her husband in this manner, *Ille meos oculos comprima, & ille tuos.*

After the body had thus deceaſed, they kept it ſeuen dayes vnburied, waſhing the corps every day with hot water, and ſometimes annointing it with oyle, hoping that if the body were only in a ſlumber, and not quite dead, it might by theſe hot cauſes be revived.

Per calidos latices & aliena vndantia flammis
Expediunt, corpuſque lavant frigentis & vngunt.

In theſe ſeven dates ſpace, all the dead mens friends met together now and then, making a great outerie or ſhout with their voyces, hoping that if the dead bodie had beene onely in a ſwound or ſleepe, he might therby be awaked. This action was termed *conclamatio*, whence when wee haue done the beſt we can in a matter, and cannot effect it, we ſay proverbially *conclamatũ eſt*, for this third conclamation or generall outerie (which was alway vpon the ſeventh day after the deceaſe) was even the laſt refuge, at which if the bodie did not reviue, then was it carried to buriall being inveſted with ſuch a gowne, as the parties place or office formerly had required. Thoſe who had the dreſſing, cheſting or embalming of the dead corps, were called *Pollinctores*: After they had thus embalmed the corps, they placed it in a bed faſt by the gate of the dead mans houſe, with his face and heeles outward toward the ſtreet, according to that of *Perſius*:

———*Tandemque beatulus alto*
Compoſitus lecto, craſſiſque lutatus amomis
In portam rigidos calces extendit.———:

Herewith accordeth *Homer* ſpeaking of *Patroclus* his funerall. Ὅς μοι ἐγὼ κλυτὰ δώματ' ἀλεύαμενος ἐξεπέχασα, καὶ τὰ δὴ πρόφρονα τετραμμένος ——— id eſt,

Qui mihi in tabernaculo confossus acuto ære,
Iacet ad vestibulum conversus.

This ceremony was properly called *corporis collocatio*: and fast by this bed, neere the gate also, was erected an altar, called in Latine, [z] *Acerra*, vpon which his frinds did every day offer incense vntill the buriall. The gate in the outside was garnished with cypresse branches, if the dead man were of any wealth or note: for the poorer sort, by reason of the scarcitie of the tree, could vse no such testimony of their mourning:

z Alex. Gen. dier. l. 3. c. 7.

a Lucanus. [a] *Et non plebeios luctus testata cupressus.*

In these seven dayes space, certaine men were appointed to provide all things in readines for the funerall; which things were commonly sold in the [x] Temple of *Libitina*, from whence those providers were termed *Libitinarij*; though somtimes this word *Libitinarius* doth signifie as much as *capularis*, an old decrepit man, readie for the graue. vpon the eight day a certaine crier in maner of a bell-man, went about the towne to call the people to the solemnization of the funerall, in this forme of words: *Exequias* [y] *L. Titio L. Filio quibus est commodum ires. Iam tempus est. Ollus ex adibus effertur.* After the people had assembled themselues together, the bed being covered with purple, or other rich coverings, the last conclamation being ended, a trumpeter went before all the company, certaine poore women called *Præfica*, following after and singing songs in the praise of the partie deceased. where we must note, that none but the better sort had a trumpet sounded before them; others had only a pipe. [z] *Senatoribus & patricijs tubâ; minoribus & plebeijs tibiâ canebant fidicines*; this word *Siticines*, signifying either a trumpeter or piper, because they did both *ad sitos, id est mortuos canere*. Againe, except it were one of the Senators, or chiefe citizens, he was not carried out vpon a bed, but in a coffin vpon a Beere. Those that carried this bed, were the next of the kin, so that it fell often among the Senators themselues to beare the corp's

x Alex. Gen. dier. l. 5. c. 26.

y Rosin. ant. lib. 5.

z Alex. Gen. dier. lib. 3.

corps, and becauſe the poorer ſort were not able to vndergoe the charges of ſuch ſolemnities, therevpon were they buried commonly in the duske of the evening; and hence *à veſpertino tempore*, thoſe that carried the corps were termed *veſpæ*, or *veſpillones*. In the buriall of a Senator, or chiefe Officer, certaine waxen images, of all his predeceſſors were caried before him vpon long poles or ſpeares, together with all the enſignes of honour, which he deſerued in his life time. Moreover, if any ſervants had beene manumized by him, they accompanied the mourners lamenting for their maſters death. After the corps followed the dead mans children, the next of the kinne, and other of his friends *atrati*, *id eſt*, in mourning apparell. From which act of following the corps, namly *à ſequendo*, theſe Funerall Rites have beene tearmed, *Exequiæ*, as *Donat* hath obſerued vpon that of *Terence*. *Funus interim procedit, nos ſequimur*. Which Rites, becauſe they were performed as debts due vnto the party deceaſed hence were they alſo called, *Iuſta*. *Eò dicũtur Iuſta, quod iure mortuis faciendi debẽt à viuis, Polid. de invent. lib. 6. c. 9.* The corps being thus brought vnto their great Oratory, called the *Roſtra*, the next of the kinne [a] *laudabat defunctum pro roſtris, id eſt*, made a funerall Oration in the commendation principally of the party deceaſed, but touching the worthy acts alſo of thoſe his predeceſſors, whoſe images were there preſent. The Oration being ended, the corps was in old time carried home againe, in manner as it was brought forth.

a Suet. C. Iulius Cæſar. c. 6.

Sedibus hunc referente ſuis & conde ſepulchro.

But afterward by the law of the twelue Tables, it was prouided that no man beſides the Emperour, and Veſtall Nunnes, ſhould be buried within the City; though ſome vpon eſpeciall fauour haue obtained it. The manner of their buriall was not by interring the corps, as in former times it had beene, but burning them in a fire ([b] the reaſon thereof being to prevent the cruelty of their enemies, who in a mercileſſe revẽge would at their conqueſts digge vp the buried bodies, making

b Salmuth. in Pancir. lib. rerum deperd. de exequiis.

king even the dead also subiects of their implacable wrath) This fire before the burning, was properly called, *Pira*; in the time that it burned, it was called, *Rogus*, [c] *quod tunc temporis Rogari solerẽt manes*; after the burning, then was it called *Bustum quasi bene vstum*. This *Pira* was alwaies built in forme of a Tabernacle, as it is [*] aboue more at large to be seene: whither after the dead man had beene bronght, his friends were wont to cut off one of his fingers, which they would afterward bury, with a second solemnity. The charges at funerals growing by this meanes to be doubled, the law of the 12. tables provided in these words, *Homini imortuo ossa ne legito, &c.* that no mans finger should be cut off, except he dyed either in the warre, or in a strange Country. Where wee must obserue, that *lego* in this place doth signifie as much as *adimo* or *aufero*, in which sense we call him *sacrilegum, qui legit, id est, qui adimit & aufert sacra*. After the dead body had beene laid vpõ the *Pyra*, then were his eyes opened againe to shew him heauen if it were possible: [d] and with all an halfe penny was put in his mouth, they superstitiously conceiting, that that halfe penny was *nauiũ Charontis*, the pay of *Charon*, the supposed ferry-man of hell, who was to carry mens soules in his boate over the *Stigian* lake after their decease. About this *Pira* were first many boughes of Cypresse trees to hinder the evill sent of the corps to be burned. The dead body being thus laid vpon the *Pira*, the next of the kinne turning his face averse from the *Pyra*, did kindle the fire with a torch: After this, commonly certaine Fencers hired for this purpose did combate each with other, till one of them was killed, they were tearmed *bustuarij*, from *bustum*. The blood of those that were slaine, serued insteed of sacrifice to the infernal Gods, which kinde of sacrifice they tearmed, *Inferiæ*. [e] *Inferiæ sunt sacra mortuorum, quæ inferis solvuntur*. Anon after the body had beene burned, his neerest friends did gather vp the ashes and bones, which being washed with milke and wine, were put into certaine pitchers called *vrnæ*: whence this

wont

c Servius Æneid. 5.

* Sup. pag. 30

d Alex Gen. dier. lib. 3.

e Servius

word *vrna*, is often vſed by the Poets, to ſignifie a graue or ſepulcher, as

—Vna requieſcit in vrnâ: Ouid. Met. lib.4.

fThough properly *ſepulchrum* was in old time, a vault or arched roofe, round about the wales whereof were placed certaine coffines called *loculi*, within which thoſe former *vrna* were laid vp and kept, namely, two or three in each coffine. Now theſe funerall ſolemnities were commonly towards night, inſomuch that they vſed Torches; theſe Torches they properly called, g*funalia á funibus cerâ circundatis, vnde & funus dicitur.* h Others are of opinion, that *funus* is ſo ſaid from the Greeke word φόνος ſignifying death or ſlaughter. The bones of the buried body being thus gathered vp, then did the Prieſt beſprinkle the company with cleane water thrice, and the eldeſt of the mourning women called *præfica*, with a loud voice pronounced this word *Ilicet*, thereby diſmiſſing the company, (the word ſignifying as much as *Ire licet*;) Then preſently did the companie depart, taking their farewell of the dead body in this forme of words: *Vale, Vale, vale: nos te ordine quo natura permiſerit ſequemur.* If any of theſe cerimonies had bene omitted i then was it termed *ſepultura inſepulta*, in the ſame ſence as *nuptiæ*, formerly were tearmed *inuptiæ*. The old & aged men were invited after the buriall, to a feaſt, or funerall banquet called, *ſilicernium* k *quaſi ſilicanium, id eſt, cœna ſupra ſilicem poſita*, their cuſtome being to eate that feaſt vpon an Altar of ſtone, and becauſe this feaſt was only eaten at funerals, and by the elder ſort, l hence figuratiuely this word *ſilicernium*, doeth ſometimes ſignifie an old cripple ready for the graue, The poorer people inſteede of a feaſt, receiued a dole or diſtribution of raw fleſh: this dole was termed *Viſceratio*. Moreover there was a potation, or drinking of wine after the buriall called *Murrata*, or *Murrhina potio* which afterwards the law of the 12. Tables for the avoiding of expences did prohibite: as likewiſe for the moderating of griefe in the moumers, it did prohibite the vſe

f Roſin. ant. lib.5.

g Seruius in Æneid. lib.1.
h Hub. in Cic. ep. fam. lib.4.

i Hieron. Ferarius in Cic. orat. Philip.

k Seruius in Æneid. lib. 5.

l Anzeſig. in Ter. Adelph. Act. 4.

of this word *Lessum*, [*Neve lessum funeris ergò habento*] for that word was often ingeminated in their mourning as a dolefull eiulation, or note of inward sorrow. This sorrowing or mourning, was in some cases vtterly prohibited, in others limited; [m] Namely, an infant dying before he was three yeeres old, should not be mourned for at all; because he had scarcely yet entred into his life. Elder persons were to bee mourned for soe many daies, as they were yeeres old. Wiues were permitted to mourne for their husbands (*Alexander* addeth also children for their fathers) ten months, if they would: within which time, the widdow could not marry another husband without infamy and discredit. *Polyd. de invent. lib. 6. cap. 9.* Here we may with *Rauardus* obserue a distinction betweene *Lugere* and *Elugere* *Lugere* signified no more then to mourne some part of the time prescribed; *Elugere* to mourne the whole and full time.

m Alex. Gen. dier. l. 3. c. 7.

LIB

Lib. 2. *Sect.* 3.

Of the Romane Games.

Cap. 1.

De ludis Megalensibus.

THE playes vſually exhibited by the *Romanes*, may be divided into three ſorts: ſome were *Ludi ſacri*, others *Honorarij*, others *Ludicri*. Thoſe were tearmed *Sacri*, which were inſtituted immediately to the honour of the Gods: ſuch were theſe that follow in their ſeverall Chapters. *Megalenſes ludi*, they are called ſimplie *Megaleſia*, from the Greeke word μέγας, ſignifying *Magnus*, becauſe they were performed in the honour of *Cybele*, called *Magna mater*, of which I haue ſpoken formerly, and there alſo diſcouered the manner of this feaſt. Only here take notice of that which is not mentioned there, namely, that theſe Games beganne, *à pridiè Nonas Aprilis, id eſt*, on the fourth of *Aprill*, and continued ſixe dayes after: it appeareth by divers Authors, but more eſpecially by *Ovid*, who could not eaſily be corrupted, *Ovid. Faſt. lib.* 4. He hauing ſpoken of the riſing of the *Pleiades*, which is on the ſecond of *Aprill*, addeth.

Ter sine perpetuo cœlum versetur in axe,
Ter imagat Titan, terq; resolvat equos,
Protinus inflexo Berecynthia tibia cornu
Flabit, & Idææ festa parentis erunt.

[a] Liv. lib. 29.

This I note, that the error crept into[a] *Livy*, may be observed, who treating of the matter in hand, saith: *In eadem victoria, quæ est in Palatio, pertulere Deam pridie Idus Aprilu, isq; dies festus fuit: populus frequens dona Deæ in Palatium tulit; Lectisternium, & Ludi fuere, Megalesia appellata.* That is, that these playes were celebrated vpon the twelfth of *Aprill*. But in the iudgement of many expositors, we are to read *Pridie Nonas*, for *Pridie Idus*. Moreouer, servants might not be spectators here, & because the *Prætors* did frequent these sports, in their purple and best robes, [b] hence grew that proverbe, *Purpura Megalensis*. To the younger sort at this time, liberty was granted, to counterfeit all mens gestures and speeches, without distinction of degree or age. [c] They were sometimes tearmed *Ludi scenici*, though properly, *Ludi scenici*, signified stage-playes, and were performed in the honour of *Bacchus*,

[b] Ant. Const. in Ovid. Fast. lib. 4.

[c] Ia. Scalig. poet. l. 1. c. 29.

Cap. 2.

Ludi Cereales

That these Games were performed in the honour of *Ceres*, is by none doubted. In them was represented the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proserpina*, taken away by *Pluto*; the *Roman* men beheld these playes in white gownes: the woman performed the sacred and holy Rites in a white garment also. Among whom it was obserued, that then they thought their service gratefull to the Gods, when it was performed by those that were ioyfull, and free from all funerall pollutions. At this time there was a solemne going in procession, and carrying about their Gods in the Cirque, this solemnity was pro

properly called *Pompa*.

Circus erat pompâ celeber, numeroque Deorum,
Primaque ventosis palma petetur equis,
Hic Cereris ludi, &c. Ovid Fast. lib. 4.

The maner of this solemne shew, which as I noted, was properly called *Pompa*, is described[d] thus by its particulars; That there was, *Simulachrorum series, imaginum agmen, currus, thensa, armamaxa sedes, corona, exuviæ, id est.* *First* in this solemne processiõ, were carried about the Images of the Gods. *Secondly*, the images of well deseruing men. *Thirdly*, Chariots led vp and downe for greater state and magnificence; vnto this *Virgil* alludeth:

—— Hic illius arma
Hic currus fuit. ——

Fourthly, Pageats, so I interpret *thensæ*, which were so called, *quasi tensa, à tendendo*, as[e] *Asconius* noteth, because they were carried vp and downe, by the help of certaine ropes, which to touch they counted a point of religion. *Fiftly*, horslitters, for that these *armamaxæ*, were not Chariots, or wagons, appeareth by him, [f] *Qui ex curribus in armamaxam deponebatur.* They seeme to haue beene of a compounded forme, in parte like chariots, called ἅρματα, in part like waines, called ἅμαξαι, and thence ἁρμάμαξα hath its appellation, ἁρμάμαξα, inquit, *Phavorinus*, ὑ σρὸς ἀνδρῶν ἐνδύλων ἐπινενευσμένη ἅμαξα, ὅτου ἅρμα ἁμάξα, ἢ ἀνδρόμαξα τὶς ὖσα, ἢ ἄγουσα πύξ ἄνδρας. In which words, besides the etymologie expressed, the vse thereof is declared to be for the carriage of men. That as the chariots went emptie for greater magnificence, and as in their pageants were carried, the *Simulachra Deorum*, according to that, [g] *Thensa Deorum vehiculum*: so in these horsesliters were carried men; or rather that same *agmen imaginum*, which was the second particular. *Sixthly*, chaires of State. *Seventhly*, crownes. *Laſtly*, spoiles taken from their enemies. These three last I take to haue been vsed chiefly and principally in the *Romane* supplications, or publique thanksgivings,

d Ter. respect. cap. 7.

e Vid. Franc. Iun. annot. in Tert. de spect. lt. de tensis vi. Turneb. 29. 27

f Herodot. l. 7.

g Alex. ab Alex. l. 2. c. 30.

giuings, for any great victorie; the custome being in such shewes, when they came to such and such remarkable places in the cirque, to pitch a certain chaire, adorned with crowns of victorie, & spoyles taken from the enemy, reputing it not the least office, [h] thus to honour their Emperour, though absent, with the prerogatiue of such a chaire. Now in the preparation to this particular Shew, we reade, that an egge was especially provided. It is obserued by [i] many out of *Macrobius*, whose words are; *Ouum & in Cerealis Pompa apparatu numerabatur primum*. The obseruation is generall, but the reason thereof, *Inter arcana Cereris*, quite suppressed, & by none that euer I could meete with, yet explained; if my coniecture may satisfie in a matter so obscure, conceiue it thus. These pompous shewes were various, & in the honour of divers Gods, & accordingly the *Romanes* made choise in every such solemnity, of some one principall thing in their shew, vnto which the glory of the present solemnity should in more especiall maner belong. Thus in the *Pompa circensis*, which was celebrated in the honour of the [k] Sun, great horses were led vp & downe for greater state. [l] *Quia equis, & equestribus exercita mentis, sol praesse credebatur superstitione antiquissima.* Hence the cirque place it selfe was called τὸ ἱππικὸν, & ἱπποδρόμιον. After this same manner in this *Pompa Cerealis*, (which was also sometimes called *Circensis*, from the place where it was exhibited) an egge was chiefly and principally provided for seeing that vnder the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honoured, then by bearing about the hieroglyphick of the whole world? As if they did intimate thereby, that even heaven it selfe was beholding to the *Earth*.

——— *Pecori frondes, alimentaque mitia fruges*
Humano generi, vobis quoq; thura ministro. Ovid. Met. l. 2.

And such an hieroglyphick [m] *Cœlius Rodiginus* proveth an egge to be, partly from its circular & globe-like forme; partly from the matter whereof it consisteth; the hard shel, resembling

h Vid. Isaac. Casaub in Sueton. Iul. c. 76.

i Hosp. de orig fest. Rosin. l. 5. c. 14 Alex. ab Alex. l. 6. c. 19.

k Solis honore novi grati spectacula circi Anti qui fixere patres. Corip. Afric. l. 2. n. 17. vid. Dempster. l. Franc. Iun. annot. in Ter. de spect. c. 8.

m Cœl. Rhod. lib. 27. cap. 17.

bling the ſolid earth; the more ſpirituous part thereof, the ayre; the moiſt and liquid part, the water; the yolke, the element of fire; yea he noteth alſo, as there is, *in mundo*, ſo likewiſe, *in ovo*, *vis vitalis*, a kinde of quickening and enlivening power in both. Otherwiſe if this opinion giue not content, we may interpret the carrying about of this egge, to be in the honour of *Caſtor* and *Pollux*: for as there were markes, or goales in the Cirque, ſome in the forme of *Dolphins*, in the honour of *Neptune*: ſo were there others [n] ὠοειδῆ διαμετρήματα, markes of a long roundneſſe, in forme of an egge, in memory of [o] *Caſtor* and *Pollux*, which were *evo editi*; according to that of *Horace*:

Ovo prognatus eodem. Hor. ſerm. 2. ſat. 1.

For the ſame reaſon happily it was, that an egge was at this time carried vp and downe, as the chiefe & principal enſigne.

n Dio lib. 49.

o Tertull. de ſpect. cap. 8.

Cap. 3.

Ludi Florales.

THeſe Games or ſports, were inſtituted in the honour of the Goddeſſe *Flora*, that ſhe being therewith appeaſed, the earth might bring forth flowers, and fruits in great aboundance. Of the Goddeſſe it hath bine ſpoken before. The time of the yeere when theſe ſports were obſerved, [p] was vpon the foure laſt dayes of *Aprill*, and the firſt of *May*, whence is that of *Ovid. Faſt. 5.*

p Alex. ab Alex. lib. 6. c. 8.

Incipis Aprili, tranſis in tempora Maij:
Alter te fugiens, cùm venit alter habet.

The manner thereof was, that ſhameleſſe ſtrumpets did then run vp and downe the ſtreets naked, vſing manie laſcivious and obſcene geſtures, and ſpeeches, they were called together by the ſound of a trumpet, vnto which *Iuvenal* alludeth.

——Digniſſima prorſus
Florali matrona tuba.

More-

Moreover, whereas in other games, Boares, Lions, & Beares, where publiquely baited, to recreate the ſpectators: here only Goates, and Hares, and ſuch milder beaſts were hunted, [q] becauſe the Goddeſſe *Flora*, had not the cuſtody of woods, and Forreſts, where the wilde beaſts, ranged; but Gardens, and Medowes. At this time alſo, Elephants, were brought forth, into the publique view of the people, which were taught [r] to walke on ropes, and that there is an aptneſſe in Elephants to goe forward and backward on ropes, [ſ] *Plin.* teſtifieth.

q Hoſp. de orig. Feſt.

r Suet. in Gal.

ſ Plin. l. 8. c. 3.

Cap. 4.

Ludi Martiales.

OF theſe ſports there is not much ſpoken: [t] they were obſerved vpon the firſt of *Auguſt*, becauſe on that day the Temple of *Mars* was conſecrated. They were firſt inſtituted [u] by *Numa Pompilius*.

t Dio. lib. 60.

u Tert. de ſpe. cap. 5.

Cap. 5.

Ludi Appollinares.

THere was an ancient Poet, called *Martius*, [x] out of whoſe writing, as likewiſe out of the *Sybelline* Oracles, the *Romans* were admoniſhed to dedicate certaine games to *Apollo*. At the firſt celebration of them, [y] it is reported, that a ſuddaine and vnexpected invaſion of enemies, enforced the *Roman* people to forſake their ſports, and to betake themſelues to weapons: in which time of their diſtraction, a cloud of darts and arrowes was ſeene to fall vpon their enemies, ſo that they preſently returned conquerours vnto their ſports, where [z] at their returne they found one *C. Pomponius*, an old man dancing to a minſtrell, and being very ioyfull, that their ſports had beene continued with-

x Liu. lib. 5. dec. 3.

x Macrob. l. 1. Sat. c. 17.

y Sext. Pomp. Feſt. vid. Hoſ. de orig. feſt.

without interruption they cryed forth, *Salva res est, saltat senex.* Which speech afterward became proverbiall, and is fitly vsed, when a suddaine evill, is seconded with a good event, beyond hope or expectation.

Cap. 6.

De ludis Romanis, qui & magni, & Consuales, & Circenses dicti.

THese solemnities are sometimes called *Romani ludi*, because of their antiquitie amongst the *Romans*, being first instituted by *Romulus*: sometimes *Magni ludi*, either because of the great charge & expence of mony at that time, or because they were performed in the honour of their great God [a] *Neptune*, called also *Consus*, because hee was reputed the God of secret *counsels*, whence the solemnities themselues are somerimes called *Consualia*: whereas many of the *Roman* temples, for certaine mysterious significations, had their peculiar manner of building. [b] *Servius* noteth, that the temple in the great Cirque, dedicated to *Consus*, was covered, to signifie that councels must be secreted, and concealed. Likewise for the same reason, [c] his altar was made vnder the earth, not appearing in publique view, saue only in the time of these solemnities exhibited. The chiefe ceremonies vsed at this time, consisted in the adoring of their horses and asses, with garlands, wherein they thought that *Neptune* was honoured, who was the first author and inventer of horse-riding: hence *Neptune* himselfe is called [d] ἱππιος. This festivall was first instituted by *Evander*, in the honour of *Neptune*, vnder the name of ἵππος, & [e] thence the feast was called ἱππουκρια. Afterward it was ruined by *Romulus*, in the honour of *Neptune* likewise, but vnder the name of *Consus*, because *Romulus* needed a God of counsell to assist him, in that designement of his, for the violent taking away of so

a Tertul de spect. cap. 5.

b Serv. in Virg. Æn. lib. 8.

c Alex. ab Alex. lib. 5. c. 26.

d Vid. Suid.

e Dion. Hal. lib. 1.

many *Sabine* women, as were taken away at the first celebration of these games. The reason of *Romulus* his institution of them, being no other, but that vpon the fame of these new sports, many *Sabine* women flocking thither to be spectatours, his protect might be the sooner effected. These & the cirque-shewes, so often mentioned in ancient authors, at first were all one, as appeareth by that of [f] *Valerius*. *Ad id tempus circensi spectaculo contenta ert civitas nostra, quod primus Romulus raptis virginibus Sabinis consualium nomine celebravit.* Touching these cirque shewes, some are of opinion that they were performed in the honour of *Ceres*, this *Iulius Scaliger* [g] disliketh, & he is of opinion, they were celebrated in the honour of *Neptune*: others are of opinion they were instituted in the honour of the *Sun*. Al opinions may be reconciled, if we vnderstand first, those authors who ascribe these cirque shewes to *Ceres*, to speake of the *Cereales ludi*, which we read sometimes to be called *Circenses*, because they were exhibited in the *Cirque*: Secondly, if we distinguish the *Pompa Circensis*, from the *Circenses ludi*, and from the *Cereales ludi*. The *Cereales ludi*, were instituted in the honour of *Ceres*; the *Circenses ludi*, in the honour of *Neptune*; the *Circensis Pompa*, in the honour of the *Sun*. And furthermore for the full vnderstanding hereof, we must knowe that the horses brought into the Cirque at this time, were of two sorts: some were only [illegible], such as were led vp & downe for shew & state; I vnderstād *Alex. ab Alex.* to speak of these horses, when he saith [h] horses were consecrated to the sunne; nay I vnderstand those horses mentione. 2. *Kings*, 23. to haue bin of the like superstitious invention; where it is said, that *Iosiah* did put downe the *horses given* to the *sun*, & the *Chariots of the sun*. That practise, I say, hath neer affinity with this of the *Romans*. but I thinke it to haue bin originally derived to the people of *Iudah*, from the *Persians*, who also accounted holy to the sun, [i] & the *Persian* king when he would shew himselfe in great state, caused an exeeeding great horse

f Val. Max. lib. cap. 4.

g Iul. Scal. lib. poet. cap. 32.

h Alex. ab Alex. lib. 3. c. 12.

i Cœl. Rhod. antiq. lib. 8. c 2

to

to be led vp and downe, which was called *Equus ſolis*. Other horſes were for exerciſe and race, we may call them ἀγωνικὰ, the inſtitution of theſe I ſuppoſe to haue beene in the honor of *Neptune*. The priſes of maſteries exerciſed in time of this cirque-ſhew were many. Fencing, and that vntill one of the combatants were killed in the place; fighting with beaſts; wreſtling; running of races on foote; iumping and leaping; horſe-racing; ſea-skirmiſhes exhibited in ſome riuer; coach-races; and fighting at worlebats. Howſoeuer the nature and manner of theſe games, are in ſome meaſure vnderſtood by the very names, yet a more large diſcourſe concerning the two laſt, will be very behouefull, for the more full vnderſtanding of the *Roman* hiſtory. Theſe coach-races, when this maner of race was firſt inſtituted, were divided into two companies, which they tearmed *Factiones albas, & ruſseas*: diſtinguiſhing each faction or company, by the different colour of their [k] coats. Afterward they were divided into foure companies, diſtinguiſhed alwaies by their colours: whence came that diſtinction; *Factiones Praſina, Veneta, Ruſſata, Albata*; which colours may thus be engliſhed. The firſt ſignifieth a deepe greene; the next a kind of ruſſet inclining to red; the third a Venice blew, or Turky colour; and the laſt a perfect white. Of theſe [l] *Tertullian* ſpeaketh as followeth: *Aurigis coloribus idololatriam veſtierunt, & ab initio duo ſoli fuerunt, albus & ruſſeus. Albus hyemi ob nives candidas: ruſſeus eſtati ob ſolis ruborem voti erant: ſed poſtea tam voluptate, quam ſuperſtitione provecta; ruſſeum, alii Marti, alii album Zephyris conſecraverunt: Praſinum vero terra matri, vel verno: Venetum cœlo & mari, vel autumno.* As the Emperour, ſo the people; ſometimes favoured one faction or company, ſometimes another, & accordingly as they favoured the cõpany, they would lay wagers on their ſide, which wagers they tearmed by a peculiar name *Sponſiones*, this [m] *Turnebus* interpreteth *Tertullian*, where he ſaith that the people flockt to theſe races, ſometimes for one reaſon, ſometimes for ano-

[k] Henr. Salm. in Pancir. cap. de Circo Max

[l] Tertul. de ſpect. cap. 9.

[m] Turneb. ad. lib. 8 cap. 4.

ertul. de
it, cap. 16.

ther, but sometimes *Possibilibus concitatus, id est*, stirred vp with a desire of abbetting, or laying wagers. To these foure

o Suet. in Domitian cap. 7.

o *Domitian* in his time added two other companies, the one wearing cloath of gold, the other of purple: but these latter remained not long in vse. Their fighting at whorlebats they termed *bellare cestu*. The maner of the fight conceaue thus, the combatants hid in each hand a strap of leather, with which each stroke at the other (for wee must know that this kind of fight surmounted fisticuffes, & because in fisticuffes the party striking, did by the blow as well hurt his own fist, as he did him that was stroken, hereupon they invented this other kinde of fight with leatherne switches) these leatherne switches they called *Cestus*, from the

p Iul. Scaliger. lib. poet. c. 22.

p Greeke κεστὸς, signifying a belt or girdle; to make the fight more dangerous, they did in after times tie peeces of ledde, or iron at the end of these leatherne straps, so that they did with the force of the stroke, often dash out one anothers braines, and vnlesse by the waight of the lead or yron, the strap might chance to fly out of their hands, they caused each strap to be tied fast to their armes, and shoulders: neither was this without reason, for those iron or leden peeces could not be but very weighty, being made in the bignesse, and q forme of Rams hornes. Lastly these cirque shewes, had their appellation *Circenses*, either from the great cirque, or shew-place, called *Circus Max.*: where the games were exhibited; or from the swords wherewith the players were environed, as one would say *Circenses*. They much resembled those grecian games called *certamina Olympica*, where the runners with Chariots, were hemmed in on the one side with the running river, & on the other with swords pitched point-wise, that they should hold the race on directly, and not swarue aside without danger. So we haue thought them to be the same with

q Aldus Manut. lib. 2. de quæst. per epistolam epist. 8. vid. Rosin. antiq. lib. 5. cap. 5

*Rosin antiq. l. 5. c. 5.

ludi Gymnici, so called from γυμνὸς, naked, because that those which did performe those kindes of exercises, did either put off all, or the greatest part of their cloaths, to the intent that they

they might the more readily and nimbly performe their games; for which purpose they did also annoint their bodies with oyle; whence we say, when a man hath lost his cost & labour. *Operam & oleum perdidit*; *oleum* in this place signifying cost and charges, so that the proverbe was the same with that of the Coblers crow, *Opera & impensa perijt.*

Cap. 7.

Ludi capitolini, & Agones Capitolini.

THe first institution of these games [r] *Livy* sheweth, where likewise he intimateth the reason, why they were called *Capitolini*, to haue beene in the honour of *Iupiter Capitolinus*, because he preserued the *Capitoll*, whē it was assaulted by the *Gauls*: wee must distinguish these games from those other shewes called *Agones Capitolini*, instituted by *Domitian*: For those *Ludi* were exhibited yearely, [s] these *Agones* every fift yeare; in those was celebrated the deliverance of the *Capitoll*; In these Rhetoricians, & Poets, and men of other profession contended for the victory, & hence [t] *Rosinus* thinketh the *Poets Laureat* to haue taken their beginning. He is likewise of opinion, that *Iuvenall* alludeth vnto these solemnities,

[r] Liv. Dec. 1. lib. 5.

[s] Sueton. in Domit. cap. 4.

[t] Rosin. antiq. lib. 5. c. 18.

——*Sed cum fregit subsellia versu*
Esurit, intactam Paridi nisi vendit Agaven. Sat. 7.

Although the allusion may be granted, yet herein I thinke *Rosinus*, though otherwise learned to haue beene mistaken, in interpreting *Fregit subsellia*, by *Nonstetit*; *Excidit*, or *Nō placuit*; as if the Poet of whom *Iuvenal* speaketh, had bin conquered at this time. In my opinion neither will the purpose of *Iuvenal*, nor that phrase of speech admit that construction. Not the purpose of *Iuvenal*, for the scope & drift of that Satyre, is to shew, that be the Poet never so pleasing, or let him giue full satisfaction to the people, yet he shall re-

ertul.de
it.cap.16.

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[n] Suet. in Domitian cap. 7.

[p] Iul. Scaliger. lib. poet. c. 22.

[q] Aldus Manut. lib. 2. de quæst. per epistolam epist. 8. vid. Rosin. antiq. lib. 5. cap. 5

[r] Rosin antiq. l. 5. c. 5.

they might the more readily and nimbly performe their games; for which purpose they did also annoint their bodies with oyle; whence we say, when a man hath lost his cost & labour. *Operam & oleum perdidit*; *oleum* in this place signifying cost and charges, so that the proverbe was the same with that of the Coblers crow, *Opera & impensa periit.*

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ceaue no benefit thereby, but a vaine and empty applauſe, ſo that he ſhall be compell'd to ſell thoſe very Poems, which are receiued with ſo generall an approbation, to buy victuals, and prevent hunger. Neither doth that interpretation agree with that phraſe, for *Frangere ſubſellia*, doth rather on the contrary, ſignify the vehement acclamation given by the people in approbation of the Poem, it being a poeticall elegancy, to expreſſe the vehemency and greatneſſe of the applauſe. [u] *Sidonius Apollinaris* vieth the ſelfe ſame phraſe. *Hunc olim perorantem, & rhetorica ſedilia plauſibili oratione frangentem, ſocer eloquens vltro in familiam patritiam aſcivit.* Neither is that of *Virgil* vnlike.

u Sidon. Ap. l. 5. epiſt. ad Sapand,

Et cantu querelas rumpunt arbuſta cicadæ.

Yea the *Gracians* vſed the ſame manner of ſpeech, [x] κατέῤῥηξε τὸν τόπον, ὑπὸ τῆς κρότου, καὶ τῆς ἀναγνώσεως. So that hereby I thinke the Poet vnderſtandeth, that *Grande ſophos*, ſo often mentioned by *Martial*, it being a vſuall cuſtome amongſt the *Romans*, to ſignify their approbation of their Oratour or Poet, by the lowd acclamation of εὖγε, or ἠδύ. Vnto which *Horace* alludeth *de arte poet.*

x Polyb. in hiſt. 15.

-----clamabit enim pulchrè, benè, recte.

But to returne whence we haue digreſſed, theſe latter ſolemnities were of ſuch note, that wheras the *Romans* formerly, made their computations of their greater yeare, called *Annus magnus*, by their *luſtra* [y] now they made it by theſe *Agones capitolini*. Againe we muſt diſtinguiſh theſe *Agones quinquennales* inſtituted by *Domitian*; from thoſe *Ludi quinquennales* inſtituted by [z] *Auguſtus Cæſar*, in memory of the victory, which he got againſt *Antonius*, vpon the promontory *Actium*, whence they were called *Actiaci Ludi*.

y Hoſpin. de orig. feſt.

z Sueton. Aug. cap. 18.

CAP. 8.

Cap. 8.

De ludis ſæcularibus.

AVthors agree not vpon the iuſt period of time, when theſe ſecular games were to be renued; ſome are of opinion that they were to be celebrated every hundreth yeare; ſome every hundreth and ten, ſome once onely in three hundred: but in this all agree, that they were named *ſæculares*, from *ſæculum* which ſignified at leaſt an hundred yeares, [a] *ſæculum in centum annos extendi exiſtimabant*. Becauſe the full and compleat age of a man, might extend it ſelfe to the hundreth yeare, and ſeldome to many aboue an hundred: thence it was, that the forme of words vſed by the publike crie in proclaiming theſe games was [b] *Venite ad Ludos quos nemo mortalium vidit, neq; viſurus eſt.* Vnto which [c] *Ovid.* alludeth *Triſt. l. 2.* *Carmina....*

Iuſſerat & Phœbo dici, quo tempore ludos
Fecit: quos ætas aſpicit vna ſenel.

Herodian. lib. 3. in vita Seuer.

a Roſin. antiq. l. 5 c. 21.

b Pol Virg. de invent. l. 3. c. 12.

c Ov. Triſt. l. 2.

But the Emperours being ambitious of honour, & deſirous to be ſpectatours of the games in time of their owne reigne, they did often anticipate the time. *Claudius Ceſar* amongſt the reſt, proclaimed them within [d] ſixty three yeares, after *Auguſtus* had obſerued them, which occaſioned the people to deride his crier, inuiting the people to thoſe ſhewes and ſports, which no man liuing either had ſeene, or ſhould see againe. Becauſe [e] ſome who were ſpectatours, may actors in thoſe ſolemnities exhibited by *Auguſtus*, liued at the ſame time, when *Claudius* cauſed this to bee proclaimed. Theſe plaies were alſo [f] called *Tarentini ludi*, not from the Citie *Tarentum* in great *Greece*; but from a certaine place of the ſame name nere *Rome*, adioning to the riuer *Tiber*. All the Theatres at this time were filled, & ſacrifices offered through out all the *Temples*, for the ſpace of three daies, and three nights

d Alex. ab Alex. l. 6. c. 9.

e Suet. Claud c. 21.

f Hoſpinian. de orig. feſt.

nights, which giueth light to that of *Ausonius*.

Trina Tarentino celebrata trinoctia ludo.

The first day the Emperour, and the *Quindecim viri*, early in the morning ascended the *Capitoll*, & there offered sacrifice according to the wonted manner, thence they departed to the Theaters, to performe solemne plaies in the honour of *Apollo* & *Diana*. The second day the noble Matrons assembled together in the *Capitoll*, they offered vp supplications vnto their Gods, they fasted and sung hymnes, in the honour of the Gods. The third day seuen and twenty boyes, going along three and three, and as many maides in like manner, all of them nobly descended, and having both father and mother aliue, sung verses, in which they commended the *Roman* state to the protection of the immortall Gods. This was tearmed *Paanas concinere*, which word *Paan*, though it signifieth primarily an hymne, or song of praise made to *Apollo*, who was called *Paan*, *g* from παιειν, *a feriendo*; because of his victory gotten of the *Python*: yet *h* sometimes, and so in this place, it denoteth the praises in generall of all the Gods. Againe the phrase intimateth an elevation of the voice in singing, with a kind of rising from one note to another. Thus *Turnebus* maketh παιανίζειν, & μυρίζειν to be opposite *i Videtur autem Paan contentionis vocis esse, minuitio remissionis.*

g Cæl. Rhod. antiq. lib. 7. c. 5

h Servius in Æn. lib. 6.

i Turneb. adv. lib. 1. cap. 12.

Cap. 9.

De ludis plebeiis, compitalitijs, Augusti ab. libus Palatinis, Taurilibus, & Vaticis.

OTher games there were performed in the honour of the Gods, which are rather named by Authors then explained, they are these that follow *l Plebeij ludi*, *k* which were celebrated in memory of the liberty procured to the *Roman* state, by the succession of Consuls in the place of

k Alex. ab Alex. lib. 6. c. 19.

of Kings: or as others say, in memory of the reconciliation, wrought between the Senators & the Cómonalty, by reason of their great oppression at that time, when the Commons in a kinde of mutiny departed to the *Aventine* mount. 2 *Cõpitalij Ludi*, so called because they were vsually solemnized in *Cõpetis* (*id est*) in the crosse wayes, and open streets, [l]they were first ordained by *Servius Tullius*, in the honour of those Gods, whom they tearmed *Lares*, in memory of his nativity The forme of words vsed by the *Pretor*, when he signified to the people the time of these solemnities, was as followeth.

[m] *Die noni post Calendas Ianuarij Quiritibus compitalia erũt.*

Concerning which words, *Gellius* noteth, *Die noni Pretor dicit, non die nono, neq; Pretor solum, sed plaraq; omnis vetustas sic locuta est*: 3 *Augustales ludi*, performed in the hóour of *Augustus Cæsar*. 4. *Palatini ludi*, so named, because they were performed in the *Palatine* mount. Some are of opinió that they were instituted in the honour of [o] *Iulius Cæsar*; others in the honour [p] of *Augustus*. 5 *Taurij ludi*, which receaved their name from *Taurus*, a bull: They were first ordained by [q] *Tarquinius superbus*, when there happened a great pestilence amongst the women with child, occasioned by much bullflesh sold vnto the people, for the remoueall of which plague, these games were instituted, in the honour of the infernall Gods. They are sometimes also called *Boalia*, & *Bupetij*. 6. To those may we add their *Votiuos ludos*, which were also performed in the honour of some God, vpon some speciall vow made For whensoeuer the *Romans* did vndertake any desperate warre, then did some *Romã* Magistrate *Vovere ludos, vel templa*, conditionally that they got the conquest; whiles the Magistrate vttered this his vow, he was said *Vota nuncupare* or *facere vota*, (*id est* to make a solemne vow vnto the Gods, the vow being thus made, hee which made it did write it in paper, & with wax fastened it to the knees of their Gods, thereby binding himselfe the more stróg ly, to the performãce; & this in *Pliny* his phrase is *signare vota*

l Plin. lib. 36. cap. vlt.

m Macrob. l. 1. Satu.

n A. Gel. noct. Att l. 10. c 24.

o Alex ab A. lex. lib. 6. c. 19.

p lib. 36. cap. vlt.

q Fest. vid. Hospin. de orig. fest.

r Turneb. adver. lib. 1. c. 17.

Iuvenal tearmeth it.

Genua incerare deorum. Satyr. 10.

After this he was ſaid to be *Voti reus*, *id eſt*, conditionally bound & obliged to the performance thereof, ſo that the Gods might challenge the thing vowed as due debt, if they granted his requeſt, yea after that the thing craued had been obtained, then was he ſaid, *Damnatus voti, vel voto* (*id eſt*) ſimply bound to the performance of the vow, ſo that by cõſequence, *Damnari voti, vel voto*, is to haue ones deſire accõpliſhed. Thus haue we gone over the chiefe and principall games which were meerely *Sacri*, tending to religion, the ſecond ſort were, *Ludi honorarij*, of which in the next chapter.

Cap. 10.

De Gladiatura.

SVch ſports and plaies, which were performed by priuate men vpon their owne purſe & charges, they ſeeking thereby to winde themſelues into the affections of the cõmon people, and to make way for their owne preferment and honour, were tearmed [a] *Ludi honorarij* & howſoeuer any game or ſhew might bee tendered vnto the people in this reſpect, yet thoſe of this nature, were for the moſt part, either *fencing*, or *ſtage-playes*: *fencing*, becauſe the fight there of was ſo often freely beſtowed vpon the people, is therefore many times denoted by the latine word, [b] *Munus*; and thoſe that beſtow theſe fights, are for the ſame reaſon tearmed *Munerarij*. The firſt originall of this fencing, and ſword playing, to the killing of one another, hath been deriued [c] from a cuſtomary practiſe among the Heathens, at the burials of their friends, who being perſwaded that the ſhedding of mans bloud would be propitiatory for the ſoule deceaſed, hence would they buy captiues and ſlaues, purpoſely to be ſacrificed at burials: afterward that this wicked ſpectacle

a Iſaac. Caſaubon. in Suet. Aug. 32.

b Lipſ. Sat. l. 1. cap. 7.

c Tertul. lt. Seruius in Æneid. 10.

cle might be the more pleasant & delightfull, they changed their sacrifice into a fencing with art, where the combatants did fight for their life. This particular kind of Fencers were called *Bustuarij* from *bustum*, they place where dead mens bodies were burned; but ambition and cruelty, made these bloudy spectacles in after ages more frequent, insomuch that prizes at last were plaid not only at the toombes but in diverse other places, as the *Cirque* and *Amphitheatre*, &c. yea they were giuen as legacies by wil and testament vnto the people, the prizes haue continued many daies together, and the number of the combatants sometimes exceeded nnmber. At the first none would thus hazard their liues, but captiues and fugitiue seruants, which were enforced therevnto, being bought for that purpose, afterward those that were free-borne suffered themselues to be hired, for which cause they were tearmed *Auctorati* hirelings; [d] yea noble men themselues sometimes by reason of their decayed estates; sometimes to demerit the Emperour his loue, endangered their liues in this fight, those that were hired, bound themselues by a solemne oath to fight vnto death, or else they would yeeld their bodies to be whipt, yea and to be burnt, vnto which [e] *Horace* alludeth.

d Sen. ep. 100

e Serm. 27.

Quid refert, vri, virgis ferroq; necari
Auctoratus eas? an turpi clausus in arca?

The manner of this bloody spectacle was thus, the Master, or exhibiter thereof, did by a publique bill, giue notice vnto the people, what day the prize should be performed, how many couples were to combat, what their names, &c. thereby to procure the greater expectation & concourse of people, of this speaketh [f] *Sueton*, *Munus populo pronunciavit in filia memoriam*. [g] Yea they did in tables hanged in publique vew, paint and repræsent, not onely the description of the place, but also they very forme and gesture of the fencers.

f Sueton. in Iulio.

g Plin. 35. 7.

----velut si
Reverapugnent, feriant, vitentq; moventes

Arma viri. Horat. lib. 2. Sat. 7.

Vpon the day appointed when all met, then were the weapons brought forth, and those, they were of two sorts: *Lusoria*, or *Exercitoria tela*, such as were the speare, and wands, or cudgells, that they might tosse the one, and fence with the other, and shew other feats of actiuity. All being but preparations to that more solemne & dangerous fight ensuing. The Greeks calleth them ἐπηρτημένα ἀκόντια, because of the little balls tied at the sharpe end of the weapons, to prevent dangers. Others were [b] *Decretoria tela*, so called, *Quia hac velut decreto Prætoris, sive Editoris dabantur*. These were those, with which they really encounterd each other for life or death, and therefore sometimes they are called *Pugnatoria*, [i] *Seneca* speaketh of both. *Remoue ista lusoria arma, decretorijs opus est*. And that the Apostle doth not allude to both, I dare not gaine say, 1. *Cor.* 9. 26. 27. where hee saith οὕτω πυκτεύω ὡς οὐκ ἀέρα δέρων, ἀλλ' ὑπωπιάζω μου τὸ σῶμα. Hee did not beat the ayre, and flourish with those lusorious, and preparatory weapons, but he did truely fight against his naturall corruption, to the wounding and subduing of it; for [k] ὑπώπια signifieth **putrified wounds**. That phrase of [l] *Senecaes* alluding to the fore-flourishings, is not much vnlike. *Aliud est ventilare, aliud pugnare*. This fore skirmish with cudgells was properly tearmed *preludium*: *Megara* speaking of *Hercules* his conquest over the two Serpents, assaulting him being yet an infant, saith, [m] *Præluit Hydra, id est*, that combate was but the prologue, preface, or introduction to that greater, which should ensue betweene him and the *Hydra*. Afterward when they betooke themselues to naked weapons, and to a reall fight, then were they said *Dimicare ad certum*, and *Versis armis pugnare*. This word [n] *Versis* being put for *Transmutatis*. In the act of fighting, they did frame & compose their body according to the rules of their art, for the better warding of themselues, and the readier wounding of their adversary. This frame and posture of the body

b Lipſ. Sat. l. 2. cap. 19.

i Senec. epiſt. 117.

k Suid. in voce ὑπώπια

l Sen. l. 3 cont

m Sen. Herc. fur. verſ. 231.

n Lipſ Sat. l. 2. cap. 19.

body, was by a peculiar name called *Status*, or *Gradus*. Whence arose those elegant Metaphors *Cedere de gradu*, *Demigare de gradu*: To change ones purpose, and as it were to draw back from what he formerly intended. In like manner we say, *De mentis statu deijcitur*, or *deturbatur*; He is driven to change his minde, or in generall he is amazed. In the conflict oftentimes, the sword players after they had receaved any dangerous wounds, laid down the weapons, which though in extremity was a token of cowardise, neither were they therevpon acquitted or discharged; but this depended vpon the consent either of the Emperour, or the people, or the Master of the shew. This discharge was properly called *Missio*. Such was the crueltie of those times, that many prizes were proclaimed, wherein they fore-signified, that such discharges should neither be craued, nor granted: wherevpon [o] *Augustus Cæsar* made a decree, wherein *Gladiatores sine missione edi prohibuit*. Those combatants that overcame, receaued by way of reward, sometimes mony, sometimes a garland, or coronet of palme tree, wonnd about with certain wollen ribbands called *Lemnisci*; the coronet it selfe was therefore called [p] *Palma lemniscata*, an 1 hence figuratiuely hath *Palma* been translated to signifie the victory it selfe, & such a man as hath often gotten the prize, we say proverbially that he is *Plurimarum palmarum homo*. The reason why the Palme-tree, rather then any other tree, should be giuen in token of victory, is rendred by [q] diuerse approued authors to be this; because the Palme tree, though you put never so ponderous and heauy waight vpon it, yet it will not yeeld, but rather endeauour the more vpward. Sometimes the reward giuen by the people, was one of those wands, or cudgells vsed in the fore-skirmish. That wand was properly called *Rudis*, and it was giuen in token of liberty, signifying thereby, that he should thence forward lead his life free from sheading of blood, alluding to which custome, this word [r] *Rudis* hath beene vsed to signifie any other kinde of free-

o Suet. Aug. 49

p Franc. Syl. in orat. pro Sext. Rosc.

q Arist. probl. 7. Plut. symp. 8 q. 4. A. Gell. l. 3. c. 6,

r Eras. Adag. Rudem accip.

dome or discharge: Where vpon, *Horace* said of himselfe, that he was *Rude donatus, id est*, discharged from his paines in poetry. Lastly, sometimes he that conquered receaved *Pileum*, a cap: And here it will not be amisse, to note the difference betweene *Palma*, *Missio*, *Rudis*, & *Pileus*. *Palma*, was only a token of victory, not of liberty, or discharge. *Missio* was not full discharge, but a kinde of vacation, or respite granted vpon request, vntill the morrow, or some other time: againe it was granted to those that were conquered, not to the conquerers. *Rudis* was a token of full discharge from bloudie combats, whereby a mans life might bee indangered; but yet with this distinctiō, that if it were bestowed vpon free citizens, hired to be actors in these masteries, then were they thereby restored to their freedome also, which formerly they forfeited by vndertaken such base conditions: to others which were formerly servants, or captiues, it was only a token of liberty and discharge. Notwithstanding sometimes vpon fauour, such seruants or captiues, obtained together with their discharge from such fights, a priviledge also of enfranchisement, whereby they were thence forward incorporated amongst free Citizens, the token hereof was *Pileus*, for then they receaued a cap, which latter observation helpeth for the vnderstanding of *Tertullian*, where he saith. [f] *Qui in signiorem incidit, homicida leonē poscit, idem gladiatori atroci petat rudem, & pileum præmium conferat.* In which speech, the vniust, and the vnreasonable practice of those Heathens is displayed, whiles they iudge a man slayer to bee exposed to Lions and wild beasts: & yet notwithstanding will reward the bloudinesse of sword players. These Fencers fought with diverse manner of weapons, and accordingly had severall names, the chiefe of which we read are these. 1. *Retiarij*, so called from *reteiaculum*, signifying a floatenet vsed in fishing because this sort of Fencers, did fight with a cast-net in one hand, to catch, and claspe about their adversaries head; and a three forked engin in the other, which they vsed insteed of a sword

[f] Tertul. de spect. cap. 21.

ſword of this *Iuvenal* ſpeaketh, *Satyr.* 8.

——*Monet ecce tridentem,*

They did alwayes fight in their coats, whence that Epitheto floweth, *Retiarij tunicati.* The reaſon why they bore vp & downe ſponges, which *Tertullian* calleth *ſpongias retiariorum* may be for the drying vp of the blood, and wiping, or ſtopping of the wounds, which vſe of ſponges, [t] *Plinie* noteth. now becauſe theſe *Retiarij* were ſo light armed, they were compelled every time they ſtroke with their net, to retire backe vntill they recouered their net againe: & hence the ſecond ſort of fencers, which fought with them, were tearmed [u] *Secutores, ab inſequendo,* from following and purſuing theſe *Retiarij.* The weapons wherewith theſe *Secutores* did fight, were a target, to keep off the net of the adverſary, a ſword, & an helmet. 3[ly], *Thraces,* ſo called from the *Thracian* weapons which they vſed, their Target was round and little, called *Parma,* it was at firſt in vſe among the [*] *Thracians,* & afterward ſo proper to this ſort of ſword players, that [x] *Parmularius,* ſignifieth ſuch a one as fauored this companie, or faction of fencers. Their ſword was a crooked falchion, tearmed by them *Sica.* The *Roman* ſoulders did vſe to weare two of theſe, along one on the left ſide, and ſhorter on the right ſide, anſwerable to our ſword and dagger, but the forme of the *Sica,* was alwayes crooked, according to that. *Sica Segnibus, & ſpes inermibus.* Privie murtherers practiſing the killing of men, may ſeeme to haue vſed the leſſer, as a pocket dagger; ſuch are thoſe *Sicarij,* of which there is ſuch often mention in *Tulli.* 4[ly] *Myrmillones,* they are ſometimes called *Galli,* becauſe they were appointed after the maner of the *Gaules.* their weapons were a ſword, a target, an helmet with a creſt in forme of a fiſh. 5[ly] *Hoplomach,* the name imports them to be armed in their fight, it is deriued from the Greek ὅπλον vel ὅπλα *arma,* and μάχομαι, *pugno:* vntill *Auguſtus* his time they were named *Samnites,* their armour was an helmet with a tuft on the creſt, a ſword, a ſheild, and a boot on the

[t] Plin. lib. 31. cap. 11.

[u] Lipſ. Saxar. lib. 2. c. 7.

[*] Turn. Adv. lib. 5. cap. 10.

[x] Suet. in Domit. cap. 10.

[y] Alex. ab Alex. lib. 6. c. 22.

the left legge, 6ly *Provocatores*, ſometimes called *Probatores*, theſe vſually fought with the *Hoplomachi*; their atmour was a ſword, a target, an helmet, and boots on both legges. For as the footmen amongſt the ſouldiers; ſo likewiſe, ſome of the ſword-plaiers vſed boots, for the ſafeguard of their leggs, theſe bootes were made of * iron, and ſo common amongſt the Grecians in warre, that bootes alone are oftentimes put to expreſſe the Grecians whole armature, as appeareth by that vſuall epitheton in *Homer* ἐυκνήμιδες Ἀχαιοὶ *id eſt, Bene ocreati Graci* Theſe bootes they wore ſometimes on both legs, ſometime on one, according as the manner of fight required. 7ly *Eſſedarij*, ſuch as fought one againg another out of wagons, ſo called from *Eſſedum*, a wagon or chariot. 8ly *Andabatæ, quaſi* ἀναβάται, *aſcenſores*, becauſe they did fight on horſe-back, or out of chariots. This ſort of fencers, did fight winking, whence ariſeth that Adage. *Andabatarum more pugnare*, the phraſe is fitly vſed, when two ignorant perſons, are hot in contention about that which neither vnderſtandeth. 9ly, *Dimachæri*, called alſo *Orbelæ*, they fought each againſt the other, with two ſwords apeece, as the firſt name importeth. 10ly *Laquearij*, ſuch as fought with ſwords & halters, the vſe of the halters, was the ſame as the *Retiarij* made of their nets, to caſt about their adverſaries necke or arme: that they might the eaſier wound them with their ſword. Of all theſe ſorts of fencers [1] *Lipſius* treateth largely, to whom I referre the reader. Only here let him take notice that it was in the power of the people, to diſcharge any of theſe combatants in time of the fight, which diſcharge they ſignified, *premendo pollicem* by holding down their thumbe: or elſe to adiudge him to continue the fight, though in neuer ſo great danger, and this latter they ſignified *convertendo pollicem*, by turning vp their thumbe.

* Veget. vide Lipſ. de milit. lib. 3. dial 7.

[1] Lipſ. Sat. 2.

----*Et verſo pollice vulgi*
Quemlibet occidunt populariter. *Iuven. Sat. 3.*

Moreover that there might be alwaies in readines, a ſufficient

ent number of ſword-players, hence were their ſchooles erected, into which captiues, fugitiue ſeruants, and notorious offenders, were ſometimes condemned, ſometimes ſold. The Maſters of theſe ſchooles were called *Laniſtæ*, the ſcholliers or vnder-fencers, trained vp there for more publike & dangerous fights, were called *Familiæ*. The word *Familia* is often taken in this ſenſe, to ſignifie the whole company of vnder-fencers, belonging to one ſchoole, & the Maſter of defence, is for this reaſon, more then once by [m] Sueton called *Paterfamilias*. Moreover, when one challenged another to theſe combats, they ſignified their challenge, by beckning with their little finger. *Horace* alludeth vnto this,

Criſpinus minimo me prouocat, accipe ſi vis,
Accipe iam tabulas. lib. 1, Serm. 4.

This muſt be vnderſtood of a beckning, and that with the little finger; for otherwiſe in time of the fight, if either of the combatants did hold vp his finger, [n] hee ſignified thereby that he did yeeld, and giue place vnto his aduerſary: ſome thinke that *Perſius* had reſpect vnto this cuſtome, in that phraſe. *----Digitum exere, peccas, Sat. 5.*

[m] Sueton. Calig. 26. Ir. in Domit. 10.

[n] Alex. ab Alex. l. 4. c. 26.

Cap. 11.

De Ludis Scenicis.

THE ſecond ſort of plaies beſtowed on the people for their favour, were *Ludi Scenici*, ſtage-plaies. The reaſon of this name *ſcena* may be ſeene before. [x] The firſt inſtitution of them was occaſioned by reaſon of a great ſickneſs, which by no medicinary help could be remoued; The *Romans* ſuperſtitiouſly conceiting, that ſome new games or ſports being found out, the wrath of the Gods would thereby bee vnarmed. [y] Whereupon, about the fowre hundreth yeare after the building of *Rome*, they ſent for certaine ſtage-players out of *Hetruria*, which they called *Hiſtriones*, from

[x] Lazius, de Repub. Rom. lib. 10. cap. 11.

[y] Alex. Gen. dier. l. 6. c. 19.

the *Hetrurian* word *Hister*, which signifieth such a player. *Quia Hister Thusce ludius appellatur, id nomen Histrionibus est inditum. Polidor. de inven. lib. 3. cap. 13.* Concerning the diverse kindes of stage plaies I read of foure, called by the *Grecians*, *Mimica*, *Satyra*, *Tragœdia*, *Comœdia*: by the *Romans*, *Planipedes*, *Atellanæ*, *Prætextatæ*, *Tabernariæ*. In English, Fables Mimicall, Satyricall, Tragicall, Comicall, These Mimicall players did much resemble the clowne in many of our English stage-plaies, who sometimes would goe a tip-toe in derision of the mincing dames; sometimes would speak full-mouthed to mock the country clownes; sometime vpon the top of their tongue to scoffe the citizen. And thus, by the imitation of all ridiculous gestures or speeches, in all kinde of vocations, they provoked laughter; whence both the plaies and plaiers were named *Mimi*, from μίμος an imitator, or one that doth ape like counterfeit others; as likewise they were called *Planipedes*, because the Actors did enter vpon the stage *planis Pedibus, id est*, [1] *Excalceati* barefooted. The second sort of plaies were called *Satyræ*, [2] from the lasciuious and wanton country-Gods called *Satyri*, because the Actors in these *Satyricall* plaies, did vse many obscene poems, and vnchast gestures to delight their spectators. Afterward these kinde of actors as we may coniect, did assume such liberty vnto themselues; that they did freely and without controlement, sharply tax & censure the vices even of kings, as well as of the commons insomuch that now we call euery witty poem, wherein the liues & maners of men are sharply taxed, A *satyre*, or *Satyricall* poem. [b] *Satyra mordax fuit & salsum genus carminis*. These *satyricall* plaies were also called *Atellanæ*, from the city *Atella* in *Campania*, where they were often acted. The third sort of stage-playes, were called *Tragœdiæ*, from τράγος a Goat, and ᾠδὴ an Ode or song; because the actors thereof had a Goat giuen them as a reward. And likewise they were called *Prætextata* from *prætexta*, a certain *Roman* robe, which these actors

[1] Alex. ib.

[2] Ante signan. in suis obser. de metris comicis, Teren. præfixis.

[b] Vid. Erasm. adag. Καμηλαύλης ἐλθεῖν.

tors did vse to weare in their plaies. The fourth sort were *Comœdiæ*, from κώμας which signifieth villages, & ἀοιδὰ because these kind of actors did goe vp and downe the countrey acting these *Cōedies* in the villages as they passed along. They were likewise called *Tabernariæ à tabulis*, *id est*, from the boards or pentices wherewith they were sheltred from the weather, whiles they were acting. These two last sorts of plaies, namely *Tragedies* and *Comedies*, being still in vse among vs, it will be worth our labour to consider the communities, wherein they agree; otherwise the proprieties or notes of distinctiō by which they differ. I find three sorts of parts, wherein they agree, namely *partes primariæ*, *accessoriæ*, *circumstantes*; parts principall, accessory, and circumstances, which are not so truly parts, as accidentall ornaments added to beautifie the plaies. The principall parts are 4. in respect of the matter treated of. For as far as the declaration or exposition of the matter in hand reacheth, without intimation of the event to ensue, so far reacheth the first part called πρότασις, which word signifieth no more then a proposition or declaration. But when the play enclineth to its heat and trouble, then ensueth the second part called ἐπίτασις, which signifieth the intention or exaggeration of matters. The third part is called κατάστασις, *id est*, the state and full vigor of the play. The last part which is an vnexpected change into a suddaine tranquility & quietnesse is called καταστροφὴ whence by a *metaphor* it hath beene translated to signifie the end or period of any other thing: or rather the inclinatiō vn to the end, as *vitæ humanæ catastrophe*, the end of mans life. In respect of the plaiers forsaking the stage, the parts were fiue; namely the fiue Acts. For the Actors did fiue times in every *Comedie* and *Tragedie* forsake the stage, & make as it were so many interruptions. The occasion whereof is supposed to haue bin this, that the spectators might not be wearied out with a continued discourse or action, but that they might sometimes be delighted with varietie intermixed. For

those breaches and chasmes betweene each act, were made vp and supplied, either by the *Chorus*, or *Musicke*. Wherewe must note, that every *Tragedie* and *Comedie* must haue fiue *Actus*, and no more, according to that of *Horace*.

Neve minor quinto, neu sit productior actu
Fabula,---

Againe wee must remember that it is not necessarie that the *protasis* should alwaies be contained in the first Act: though many times it hapneth so: for in *Plautus* his bragging souldier the *Protasis* is found in the second Act: and so likewise haue the other three parts, *id est*, *Epitasis*, *Catastasis*, and *Catastrophe*, their bounds vnbounded. These Acts are divided iuto seuerall scenes, which sometimes fall out more, sometimes fewer in everie Act. The definition of a scene being [c] *Mutatio personarum*: Whence we call a subtile *Gnatho* which can humour himselfe for all persons & times *omnium scenarum hominem*, a man fit for all parts. Now amongst the *Romanes* it was thought vnfit, that aboue three persons should come on the stage in one scene.

c Vid. Erasm. Adag.

Nec quarta loqui persona laboret. Hor.

The *partes accessoriæ* in a *Comedie* are foure *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subiect of the Comedy: the second is the Prologue, which is either *κατ' ἔξοχὴν*, such as doth open the state of the fable, at which time there needeth no argument: or else *συναλλακτὸς*, such as commendeth the fable, or the Poet vnto the people; or lastly *ἀπροσωπὸς*, such as shall refute the obiections and cauills of aduersaries. The third is *Chorus*, which speaketh betweene each Act: and this *Chorus* may consist either of one, or many speakers, and that either male or female: [d] but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended, then must it consist of females. And alwaies whatsoeuer the *Chorus* speaketh, it must be pertinent to the Act past, or couertly intimating somewhat ensuing.

d Rosin ant. cap. de trag. & com. lib. 5.

——Non quid medios intercinat actus,
Quod non proposito conducat & hæreat aptè. Horat.

It may seeme sometimes that in the midst of the play, some other sport was interposed, as hunting, or fencing, or such like to delight the spectators with the greater variety, whēce *Horat. Si discordet eques, medio inter carmina poscunt*
Aut versum aut pugiles.

These interposed varieties were denoted by the name of *Diludia, Displicet iste locus, clamo, & Diludia posco. Horat.* The fourth and last accessory part, was *Mimus* the clowne, or foole of the play. Of all these parts a Tragedy hath only a *Chorus.* The *partes circumstantes*, or accidentall ornaments were foure, common to both, *Titulus, Cantus, Saltatio, Apparatus, id est*, the title of the play, Musicke, Dauncing, and the beautifying of the Scene. By the Scene in this place, I vnderstand the partition betweene the plaiers vestrie, and the stage or scaffold. This partition at the acting of a Tragedy was vnderpropped with stately columnes and pillars, and beautified with paintings resembling princely buidings, & the images as well of Gods as Kings. At the acting of a Comedy country-cottages and private buildings were painted in the out-face of the partition. In the *Satyricall* plaies the painting was overcome with shadowes of mountaines and woods: The [e] first of these partitions they called *Scenam Tragicam*, the second *Comicam*, the third *Satyricam*. The difference betweene a *Tragedy* and a *Comedy*, which may bee collected out of [f] *Antesignanus* are these: first in respect of the matter, because a *Tragedy* treateth of exilements, murders, matters of griefe, &c. a *Comedy* of loue toyes, merry fictions and pety-matters, the one being *πραγμάτων μιμησις*; the other *τύχης μιμησις*. In a Tragedy the greatest part of the Actors are Kings and noble persons; in a Comedy priuate persons of meaner state and condition. The subiect of a Comedy is often feigned, but of a Tragedy it is commonly true and once really performed. The beginning of a Tragedy is

[e] Alex. Gen. dier. l. 5. c. 16.

[f] Antesig in this observ. demetris comicis Terent. præfixis.

calme and quiet, the end fearefull and turbulent; but in a Comedy contrarily the beginning is turbulent, and the ende calme. Another difference which *Anteſignanus* hath omitted is behouefull for vs to knowe, namely that the Tragedians did weare vpon the ſtage a certaine ſhooe, comming halfe way vp the legge in manner of buskins, which kind of ſhooe was called by them *Cothurnus*, and from that cuſtome it hath beene occaſioned, that *Cothurnus* is tranſlated to ſignifie a Tragicall and loftie ſtile, as *Sophocleo digna Cothurno*, matters beſeeming *Sophocles* his ſtile: and ſometimes a Tragedie it ſelfe. The Comedians did vſe an high ſhooe comming vp aboue the ankle, much like a kind of ſhooes which plough men vſe to weare to keepe themſelues out of the durt. This kinde of ſhooe is called *Soccus*, by which word ſometimes alſo is ſignified a Comedy, as

Nigris medium impedit crus Pellibus, Horat Ser. l. 1. Sat. 6.

Hunc ſoccis cepere pedem grandeſq; Cothurni. Horat.

All theſe ſorts of ſtage plaies both *Mimicall*, *Satyricall*; *Tragicall* and *Comicall*, if they are acted according to the *Gracian* rite and cuſtome, then were they called *Palliatæ*, from *Pallium*, a certaine mantle which the *Graecians* did vſe to were, if according to the Romane maner, then were they called from the *Romane* gowne *Togatæ*.

g Anteſig. ib.

Cap. 12.

De Troiano ludo, ſive Troia.

IT was cuſtome among the *Romans*, ſometimes in the yeare to haue a generall muſter of the younger ſort, who meeting in the cirque, exerciſed there running, racing, riding at tilt, and other ſuch like feats of activitie, whereby they might be trained vp for their better ſervice in the war. They choſe a Captaine, one or other of noble birth; [a] He was called *Princeps iuventutis*. They divided themſelues into diſtinct companies, ſometimes marching forward, one againſt

a Hoſpin. de orig. feſt.

gainſt another, ſometimes retiring backward, ſometimes skirmiſhing, ſometimes imbatling themſelues in one forme, ſometimes in another, as if it were a true field pitcht. A large and full deſcription hereof we haue in *Virg. Æn.* 5. This game was called *Troianus ludus*; or ſimply [d] *Troia*, without the addition of any other word, becauſe *Aſcanius Æneas* his ſonne firſt brought it out of *Troy*, according to that of *Virgil.* in the fore-quoted place.

d Suet. in Iul. cap. 39.

Hunc morem, curſus, atq; hæc certamina primus
Aſcanius, longam muris cùm cingeret Albam,
Rettulit, & priſcos docuit celebrare Latinos.

Among other ſports vſed at this time, [e] there was alſo a kind of moriske daunce, wherein the younger men danced in harneſſe, after a warlicke manner, being thereby trained, to exerciſe all parts of their body, by ſundry geſtures, as well to auoid all venues and defend themſelues, as to annoy & offend the enimie. This kinde of dance is generally called *Pyrrhica ſaltatio*; becauſe it was invented by [f] *Pyrrhus*. Yea ſome ſay, that *Suetonius* taketh *Troianus ludus*, and this *Pirrhica ſaltatio*, for one and the ſame thing. Nay *Alexander* confoundeth both theſe, with thoſe other games tearmed *Iuuenales ludi*. But doubtleſſe herein he was miſtaken, for thoſe *Iuuenalia*, were inſtituted by [h] *Nero* [i] at the ſhauing of his beard, and had not their name, becauſe young men were the chiefe actors, but becauſe old men would now by the practiſe of youthfull ſports, turne young againe. The actions at this time were ſo farre, from fauoring of military diſcipline, that on the contrary, they were for the moſt part effeminate and wanton.

e Alex. ab Alex. l. 6. cap. 19.

f Plin. l. 7. c. 56
g Serv. in l. 5. Æn. Iſ. Alex. ab Alex. ioco ſupra citato.
h Sueton. in Meron. c. 11.
i Cœl. Rhod. lib. 19. cap. 22.
k Roſin. Rom. antiq. l. 5. c. 22.

CAP. 13.

Cap. 13.

De tesseris, talis, & latrunculis.

BEfore we treat of the game called *Ludus tesserarius*, it will not be amisse first to cleere the word *tessera* from all ambiguity. The word hath foure remarkable significations, all alluding to matters of antiquity, First it signified a watch word among the souldiers in the campe, whereby they discerned their enimies, or spies, from their own fellowes;[o] *Alexand. ab Alexandro* giueth many examples hereof: *Augustus Cæsar* in his camp, gaue for his watchword *Venus genetrix*. *Pompeius magnus* gaue for his, *Hercules inuictus* &c. & this was called *Tessera militaris*. 2ly There was *Tessera frumentaria*, a certaine ticket, or token giuen by the Magistrate vnto the poore, at the tendring whereof, [p] at the beginning of every month, certaine doles & measures of corne were giuen; it is evident that at first there were such monthly distributions of corne, even by that endeavour of *Augustus* his, who for the avoiding of trouble, would had reduced all to three set distributions in the yeare, but prevailed not: sometimes insteed of corne, or happily over and aboue the corne, there were at certaine times, doales of mony giuen to the poore, which doale whosoever receaued, tendred his token or bill of exchange, termed *Tessera numiraria*; these two last acceptions, although they may be distinguished, yet because they both tended to the releefe of the poore, I haue ioined them together, Thirdly, there was *Tessera hospitalis*, a certaine token of wood, or such like matter, which vsually was cut in two by those who had engaged themselues mutually to entertaine each other, whensoever entertainment should be craued, yea this wooden ticket or tally being mutually accepted, it was lawfull for their posterity bringing this token, to challenge hospitality. Thus he in *Plautus*, having

[o] Alex. ab Alex. lib. 4. c. 2.

[p] Sueton. Aug cap 40.

ving formerly vſed *Antidemus* as his hoeſt. after *Antidemus* his death, hee commeth vnto *Antidemus* his adopted ſonne not doubting of entertainment for faith hee. *Deum hoſpitalem, ac teſſeram mecum fero*, Hence from this cuſtome, or tendering a token when hoſpitality ſhould be craued, that adage hath been deriued *Teſſeram hoſpitij confregit, id eſt*, He hath broken the league of hoſpitality. Lattly, *Teſſera* ſignifieth a dye, where wee muſt note that the word *alea*, which commonly is tranſlated a dye, is a generall word, applyed equally both to the *Teſſera*, and the *Tali*, to denote the vncertainty of both games, *Teſſera*, properly ſignifieth a dye; *Talus*, an huckle bone, ſuch where with children play Cot-hall. In determining the ſeuerall chaunces in theſe playes, Authors are not onely diuers, but in many things contrary each to other, neither can any certainety be gathered from their writings; whether my coniectures drawn from comparing their ſeuerall and contrary writings, may giue light for the right vnderſtanding of decayed knowledge herein, I ſhall willingly ſubmitte my ſelfe to the cenſure of the iudicious. The ſeuerall chaunces which I reade of are theſe, ſome ariſing from the number of poynts in the dye, as *Senio*, *Monas*. More vſually amongſt the Grecians, q theſe two were termed Κῶος, & χῖος, ἐμὲν γὰρ χῖος ἐκάλεσε τὸν, ὃν κῶος ἔξ, *id eſt*, *Chius* anſwered our Ace, *Cous* our Sice. And this is confirmed by a proverbe in vſe among the Græcians. Κῶος πρὸς χῖον, which the learned interpret to be a compariſon of vnequalls: a Pygmie, with a gyant; others named from the number I reade not of: Perhaps they played not with a ſingle dye, but with three as wee vſe in Paſſage, whence their chaunces might haue their name, not from the number of poynts in each ſeuerall dye, but from them all being caſt. But that the *Teſſera* had poynts in them, appeareth by the teſtimony of a *Turnebus*: And hence *Numeri*, is ſometimes, vſed for *Teſſera*.

q Suid. in voce κωος

a Turneb. adu lib. 5, c. 6

Seu ludet numeroſque manu iactabit eburnos.

Ouid. 2. de Art. Amand.

That they vſed more *Tali* in their plaies, then they did *Teſſera*, [b] *Turnebus* obſerveth from that verſe.

[b] Turn. adu. lib. 6. c. 10.

Non ſum talorum numero par teſſera.

Martial. 14. epigr. 15.

[c] Cœl. Rhod. l. 20. c. 27.

[c] *Caelius Rhodiginus* ſpeaketh more diſtinctly, ſaying that in their play they vſe three *Teſſera*, but foure *Tali*. Theſe *Tali*, were ſometimes called *Vulturij* as appeareth by the ſame [d] *Rhodiginus*, and likewiſe *Reguli*, the reaſon of both is rendred by [e] *Turnebus*, he being of opinion, that theſe *Tali* had not points in them as the *Teſſera*, ſayth, *pro numeris effigies animalium habebant vt vulturum, aut regulorum*, that they were termed *Vulturij*, is probable by that of *Plautus*.

[d] Cœl. Rhod. l. 20. c. 18.

[e] Turn. adu. l. 5. cap. 6.

Tace parumper, facit Vulturios quatuor.

Plaut. curcul. Act. 2. ſc. 3.

But that the cocklebones ſhould be called *Reguli*, I ſomewhat doubt, for no queſtion: but *Regulus* and *Baſilicus* in this place ſignified one and the ſame thing, the on being the *Latine*, the other the *Greeke* word, now *Baſilicus* as ſhall preſently appeare, ſignified the whole chaunce. So confuſed are the opinions of Authors herein, that to aſſigne the reaſon for euery chaunces name, or to reduce euery chaunce determinatly, either to the *Teſſera*, or the *Tali*, I thinke it impoſſible. Only ſome may bee thus reduced, and in generall wee may conceiue probably, which chaunces were fortunate, which vnfortunate. The vnfortunate chaunce in the *Tali*, was commonly called *Canis*, or *Canicula*, or *Chius*.

The moſt fortunate chaunce *Venus*, or *Baſilicus*. [f] *Lipſius* taketh them both for one, and that not without ground, if we compare *Horace*, and Plautus; both of them treating of that old cuſtome of throwing theſe cocklebones at their feaſts, for the choice of their *Moderator*, or maſter of the feaſt, which ſhould preſcribe lawes for drinking to the whole company. *Venus arbitrum*,

[f] Lips. antiq. lect. lib. 3. c. 1.

Dicet bibendi. ſaith *Horace*.

Lallo

Iacto Basilicum, propino magnum poculum.

Saith *Plautus*, *curcul.* and why may not this Cast be iustly termed *Basilicus*, seeing the *Moderator* hereby designed, was by the *Greciant*, not only called συμποσιαρχος, but also *Basileus*, King, Prince, or chiefe commander at the table This cast was then brought to be thrown, when all foure cocklebones appeared not one like the other, but all with different faces, *Venus consurgebat ex talis quatuor iactatis, vbi diuersam omnes ostendissent faciem*: with whome accordeth *Turnebus*. *Venus erat, cùm nullus eodem vultu stabat talus*. *Hercules* was also a lucky throw, but whether the same as *Venus*? I haue not yet learned.

g Cœl. Rhod. lib. 20. c. 27.
b Turn. adu. lib. 5. cap. 6.

The games with the *Tessera* I make no question were diuerse, the ignorance of which, they being long since out of vse, haue caused much obscurity in this matter, one game there may seeme to haue bin in vse, where the iust number of eight seemeth to haue beene the chiefe cast, It was called *Stesichorius ictus*, or *Stesichorius numerus*. The reason is rendred by *Rhodiginus*, because *Stesichorius* his tóbe, erected at great charges for greater magnificence, *Ex octonis constabat omnibus, id est* consisted of many eights; to wit, *eight angles*, or corners; *eight columnes*; *eight stepps*. or greeses. In their common game, the most fortunate throw is thought to haue bin three Sixes, wee call it in Passage a Royall Passe, whence it was commonly called *Sento*;

i Cœl. Rhod. lib. 20. cap. 27.

——Quid dexter senio ferret
Scire erat in votis, damnosa canicula quantum
Raderet, angusta vitiosus in arce. Pers. Sat. 3.

Which one place of *Persius*, giueth light to this in three things. First, that the winning cast, was teamed *Senio*, and if you make *Basilicus*, a terme common both to dice, & cockebones; as *Venus* is, we may fitly render it, a Royall passe. Secondly, the loosing cast *Canis* or *Canicula*, in English a Dogge Chaunce. Thirdly the manner of their play, both in their Dice, & Cocklebones, was by casting them, not immediatly

diatly out of their hand, but out of a dish or narrow mouthed vessell, that there might be faire play, without striking, or cogging the dye; this vessell *Persius* calleth *Orca*, and describeth it to haue a narrow mouth, streight necke. *Horace* applyeth it vnto the *Tali*, *Satyr*. 7. *l*. 2.

Mitteret in Pyrgum talos ---

Calling it *Pyrgus*, vsing the *Greeke* word πύργος a tower, or steeple so called from πῦρ fire; because the forme thereof, being *acuminata*, resembleth the rising of fire: the word intimateth *Horace* his *Pyrgus*, to haue beene of the like forme, with *Persius* his *Orca*. But to returne to the game, the chiefe cast as I said was thought to be when three Sices appeared; which opinion is strengthned, by that common prouerbe: *Aut tres sex, aut tres tessera, id est*, either three Sices, or three Aces. And the first of these being the best, the other the worst chance in the Dice: The prouerb implyeth thus much, I will put all to the hazard, I will winne all or loose all. This cast was also called *Mydas*, for as *Rhodiginus* speaketh, *In Tesserario ludo, Mydas iactus erat fortunatissimus*, with who accordeth [k] *Dempster*, prouing it out of *Suidas*.

[k] Dempst. antiq. Rom. lib. 5 cap. 1.

Μίδας ἐν κύβοις ἄριστον βάλλει

Mydas in tesseris consultat optimus.

This name signifieth the best chaunce, was not appropriated to the *Tessera*, but sometimes also signified the fortunatest chnace of the *Tali*. Likewise from that of *Martial*. *lib*. 13. 1.

Senio nec nostrum cum cane quassat ebur.

[l] Erasm. adag. Chius ad Coum.

It is noted by [l] *Erasmus*, that as often as an Ace hapned to be throwne together with a Sice, so that *Senio*, and *Canicula* appeared together at one throwe, it was a loosing cast. *Suetonius* is cleere in the proofe hereof, if for *Aut* we substitute *Et*, which vnlesse we doe, it will be a matter of great difficulty, to make congruity of sense. His words are *Talis autem iactatis, vt quisq; Canem aut Senionem miserat, in singulos talos, singulos denarios in medium conferebat, quos tollebat vniuersos qui Venerem iecerat*. Turne *aut* into &, the sence is obuious,

Looke

Looke who threwe an **Ace** and **Sice** together for euery dye he ſtaked and laid to the ſtocke a Dinere; which he tooke vp and ſwooped all cleane, whoſe luck it was to throwe *Venus*. *Euripides*, as I take it, was not a chaunce but a kinde of game, much reſembling that which is in vſe with vs, called **one and thirtie**: The number of that game was **Fourty**, and the game called *Euripides*, becauſe *Euripides* was one of the Fourty chiefe gouernours in *Athens*, when the thirty Tyrants were depoſed. The reaſon of my coniecture is taken from [n] *Rhodiginus* whoſe words are theſe: *Euripides numerum continebat quadragenarium quoniam uidetur unus fuiſſe Euripides prafectorum quadraginta, poſt triginta Tyrannos Athenis exactos.* From all we may note, that the *Iactus pronus*, or *Iactus plenus*, that is the lucky caſt, wee may engliſh it **Take all**, was comonly called *Senio*, *Venus*, *Cous*: the *iactus ſupinus*, or *iactus inanus*: was likewiſe comonly knowne by no other name then *Canis*, *Canicula*, or *Chius*, we may Engliſh it **Blanke**.

n Cœl. Rod. lib. 20. cap. 27.

[o] Some haue delivered their minde touching theſe plaies thus that the *Tali*, or Cockle bones had but foure faces or ſides, and therefore yeelded foure chaunces, and no more; the firſt is called *Canis*, or *Canicula*, or anſwering to our **Ace**: and it was the worſt of all: the oppoſite vnto it they tearme *Venus*, or *Cous*, and is accounted the beſt: *Mercula* againſt ſenſe vnderſtandeth the number of ſeauen by it, it may ſtand for our **Sice**. The third bore the name of *Chius*, proportioned to **Trey** with vs, and the laſt *Senio*, which is as much as **Quatre**. For in theſe *Tali* there is no chaunce of **Deaux**, or **Cinque**. This opinion at firſt I confeſſe ſeemed plauſible to me, but how fully it diſcouereth the game, and how agreeable it is to antiquity let others iudge. The chaunces of the dice, or cocklebones, as they were tearmed *Iactus*, & *Miſſus*, taſtes: ſo alſo were they called [p] *Manus*, figuratiuely, as euery ſtroke in the fencing ſchoole, was tearmed *Manus*: The firſt acception of *Manus*, is prooued out of [q] *Suetonius*,

o Barthol Merula in Ov. de art. amand. l. 2.

p Lipſ. Satur. lib. 2. cap. 20.

q Suet. Aug. 71.

where *Augustus Cæsar* speaketh thus. *Si quas manus remisi cuiq́, exegissem, aut retinuissem quod cuiq́, donaui, vicissē &c. id est*, If I had exacted those chaunces which I remitted every one, and kept that which I bestowed, I had gotten &c. The second acception of *Manus*, is confirmed by [r] *Quintilian*, who calleth the second, third, and fourth strokes in fencing, *secundas, tertias, & quartas manus*. Our English phrase is not much vnlike; He hath had a good or bad, lucky or vnlucky hand. Another game there was of like nature played with table-men, the word *Latrunculus* translated a table-man, doth properly signify an hired souldier, such a one as serued for pay: whēce *Latro*, whose diminutiue *Latrunculus* is, hath his denomination ἀπὸ τοῦ λατρεύειν *à serviendo*. In this sense the word is vsed by [s] *Plautus*.

[r] Quint. lib. 5. cap. 14.

[s] Plaut. mil. glor. Act. 1. sc. 1.

Nam rex Seleucus me opere orauit maximo,
Vt sibi latrones cogerem, & conscriberem.

Secondly, because souldiers are so prone, and apt to commit robberies, hence *Latro*, and *Latrunculus*, hath beene vsed also to signifie a theife or robber. And thirdly in a borrowed sence, these words are applied to signifie table-men, or chesse-men; because this game hath the expresse forme and representation of a warre, or battle, fought between two armies: Insomuch that [t] *Pyrrhus* King of Epire, being skillfull in plotting stratagems, first taught his souldiers that art of projecting, by plaies and representations therof in the table-men. [u] Some are of opinion, that it was first inuented in the seige of Troy, by *Palamedes*, who that he might keepe his souldiers in better order, allowed them this kinde of recreation, whence these chesse-men, are sometimes called *Palamediaci calculi*, they were made sometimes of wax, sometimes of glasse, sometimes of other matter, The game seemeth to haue beene the very same with that which we call chesse. Other games there were of lesser note for recreation, of which sort were principally these that follow; *Petaurum*, *Discus*, *Pila*, *Trochus*, *Nuces*, πέτταυρον, from whence this latine word,

[t] Donat. in Terent. Eun. Act. 4. Sc. 7. ad Illud, Idem. hoc iam Pyrrhus factitauit

[u] Stuidas in voce πάλαμα

Petaurum

Petaurum commeth, ſignifiing properly a perch or pole, on which poultry rouſt, and hence the rope or ſtaffe on which light perſons were wont to dance, and try maſteries, was termed *Petaurum*. It ſignifyed alſo a certaine hoope, or wheele, through which actiue perſons would runne ſwiftly, their body ſo warily carried, that in their rũning, they would not touch the hoope or wheele, to this purpoſe *Alex. Neop.* ſpeaketh. [a]*Fuit quoq; petauri ludus admirationis præcipuæ, cum per circulos, quiſpiam veloci curſu tranſvolat, corpore ita libra-to, vt circulum non offendat.* Such tumblers as were practized in this kinde of actiuity were thence called *Petauriſtæ*. *Diſcus* was a round ſtone in manner of a bowle, ſometimes made of yron, or braſſe, whoſoever could caſt it fartheſt got the victorie: the players thereat were called Δισκοβολοι, from Δισκος and βαλλω to dart, or caſt out any thing. *Pila* it ſignifieth a ball, and of it there were many ſorts. 1 *Harpaſtum*, which we may Engliſh a ffoote-ball, [b]This ball being put downe in the middle, two companies of young men, ſtroue who ſhould driue it through the others goale. 2[ly] *Pila* which ſignified a diſtinct kinde of ball ſo called from the haire with which it was ſtuffed. 3[ly] *Follis*, light kinde of ball, ſo called becauſe it was ſtuffed with a bladder: with this old men, and young children played. 4[ly] *Paganica*, this had its name *à pagis*, from villages and country townes, where it was chiefely in vſe, it was ſtuffed with feathers of all theſe. *Martial.* 14. 45.

Hæc quæ difficilis turget paganica plumâ,
Folle minùs laxa eſt, & minus arcta pilâ.

Fiftly *Trigonalis*, & this I thinke both the *Pila*, and the *Follis* were called, in oppoſition to the *Paganica*: the reaſon of the name is taken from the forme of the tenis-courts, which becauſe they were three ſquare, in manner of a triangle [c]hence was the ball with which they played in ſuch courts termed *Trigonalis*. The players themſelues were termed *ſaltores*; thoſe that did caſt in the ball into the court, were called ſimply *datores*; and [d] hence *datatum ludere*, is to play at ball

a Alex. ab Alex. l. 3. c. 21.

b Alex. ab Alex. ibid.

c Cœl. Rhod. lib. 2. c. 18.

d Turneb. adverſ. l. 7. c. 4.

ball, or elſe, we may imagine the reaſon of this phraſe to be, becauſe ſuch as in their play by negligence did let downe the ball, did *ſuram dare:* hold out their legge, to haue the ball ſlung at it. *Trochus*, it ſignifieth a top, as it were commonly called *Trochus*, from τρέχω to runne, becauſe of the ſwiftnes thereof: and likewiſe *Turbo* in Latine, for the ſame reaſon: ſo ſometimes it was called *buxum*, from the matter whereof it was made, as.

--- Buxum torquere flagello. Perſ. ſat. 3.

Nuces, with nuts they had many plaies, ſome of which are at this day in vſe. One holding an vncertaine number of nuts in his hand, his fellow that plaied with him, was to diuine whether the number was even or odde. This *Horace* calleth.

Ludere par impar----

The *Grecians* ζυγὰ ἢ ἄζυγα. of this *Ouid. de nuce.*

Eſt etiam, par ſit numerus qui dicat, an impar:
Vt diuinatus auferat augur opes.

Sometimes they piled their nutts, three beneath and one on the toppe, in manner of a caſtle, of this *Ouid:* ſpeaketh likewiſe.

Quatuor in nucibus non amplius alea tota eſt,
Cùm ſibi ſuppoſitis additur vna tribus.

Yea, theſe nutte-games were ſo many, and ſo peculiar to children, that ſtriplings growing into mans eſtate, were ſtill reputed children, vntill they forſooke theſe nutte-ſports, whence *nucibus relictis*, ſounds as much, as childiſhnes being paſt: and this is thought to be the reaſon, why the [e] bride-man, as ſoone as he was married vſed to caſt nutts among the people: intimating thereby a farewell to ſuch childiſh paſtimes. Many other childiſh games they had, among which one reſembled our croſſe and pile: [f] they termed it *Capita vel nauim*, becauſe the coyne which they fillipped or toſſed into the ayre, bore ſtamped on the one ſide *Ianus* his two faces, on the other ſide a ſhippe.

[e] Roſin. ant. Rom. l. 5. c. 27.

[f] Anton. Conſtanc. in Ouid. Faſt. lib. 1.

CAP. 14.

Cap. 14.

De mensis & convivijs Romanorum.

BEfore wee proceed vnto the deſcription of the *Roman* tables, wee will explaine thoſe fiue tearmes, *Ientaculum, Prandium, Merenda, Cœna, & Commeſſatio.* which fiue words doe ſignifie the fiue ſeverall feedings each day, which children, old men, labourers, travellours, & ſuch like, did vſually obſerue; for others of healthier and ſtronger conſtitution, did commonly eat but one meale, at the moſt but two in the day. *Ientaculum* ſignifieth their break-faſt, and it had its name, like as our Engliſh word hath, *à ieiunio*, from faſting: In former times it was called [a] *ſilatum* from *Sile*, the name of a certaine hearb, with the root whereof, they were wont to ſeaſon that wine, which they had at breakfaſt: For as [b] *Plutarch* ſaith, their break-faſt was nothing but a ſop dipped in wine. In the ſame place, hee like wiſe ſaith, that in old time they had no dinner, but that which we call *Prandiū*, was the ſame with them as *Ientaculum*, and thus much the Greeke word ἄριστον ſignifying a dinner, doth intimate, it being ſo called, *quaſi* ἀωρίστον, from ἄωρον, which ſignifieth the morning. The name *Prandium*, which we render a dinner, was ſo ſaid *quaſi* πρὸ τοῦ δύνειν, ſignifiing noone-tide, or mid-day. The third time of taking meat, was called *Merenda*: we may engliſh it our afternoones beuer: it was called alſo *Antecænium*, becauſe it was taken a little before ſupper. [c] *Merenda eſt cibus qui deſtinante die ſumitur, quaſi poſt meridiem edendus, & proximè cœnæ; vnde & Antecænium à quibuſdam dicitur.* The fourth time, was their ſupper; called *cœna, quaſi* κοινὰ, which ſignifieth as much as Common, [d] *quia antiquitùs ſeorſim ſolebant prandere Romani, cœnare cum amicis:* Their fift and laſt time of feeding, was called in Latine *Cōmeſſatio* by ſome, by moſt *Comeſſatio à comedendo.* [e] *Ioannes*

a Roſin. antiq. lib. 5. c. 27.

b Plut. in ſym. lib. 8. q. 6.

c Luſt. Lipſ. cent. 1. ep. 65.

d Plut. ſymp. lib. 8. q. 6.

e In orat. pro M. Cœlio.

nes Triſtinus ſaith, that it is a beauer taken after ſupper, or a night drinking. But the chiefe feaſt; where at they [f] gaue entertainement, being their ſupper, we will conſider theſe three things therein. Firſt *accumbendi vel diſcumbendi rationem*, that is the manner of their lying at ſupper (for they did neither ſtand, nor ſit at table as we doe:) ſecondly, the forme & faſhion of their table; and laſtly the parts of their ſupper. The place where they ſupped was commonly called *Cœnaculum à cœna*, as our **dining chamber** is ſo called from our dinner. It was alſo called *Triclinium* or *Biclinium*, from κλίνη a bed: for ſome times their were three beds, ſometimes but two about the table, vpon which the gueſts did ſit, or rather lye along. In this dining parlour, was placed a table, ſometimes made quite round, and for the common ſort of people it was made of ordinary wood, ſtanding vpon three feet; but for men of better ranke, it was made of better timber, inlaid ſometimes with wood of diuerſe colours, ſometimes with ſilver, and it ſtood vpon one whole intire foot, made of Iuory, in the forme of a great lyon, or Leopard, &c. Vnto the meaner ſort of theſe tables *Horace* alludeth.

[f] Lazius de repub. Rom. l. 3. cap. 3.

---Modò ſit mihi menſa tripes. *Hor. Serm.* 13.

Vnto the other *Iuuenal.* *Sat.* 11. *verſ.* 122.

---putere videntur
Vnguenta atq; roſæ, latos niſi ſuſtinet orbes
Grande ebur, & magno ſublimis pardus hiatu.

Sometimes this table was made in the forme of an halfe moone, the one part thereof being cut in with an arch or ſemicircle, and then it was called *Sigma*, becauſe it did much reſemble the letter *Sigma*, [g] which as it appeareth by certain marble monuments, was in old time made like a *Roman* C. Hence is that of *Martial. lib.* 14. 87.

[g] Rom. antiq. l. 3. c. 18.

Accipe lunata ſcriptum teſtudine ſigma.

If any man ſhould demaund the reaſon, why they cut their table in that forme, I muſt confeſſe I haue not read any reaſon in any author bearing ſhew of probability, My con-

iecture

iecture is this. It is agreed vpon by most authors, that in the round tables the one quarter was reserued void from guests that the waiters might haue a conuenient roome to attend: therevpon it seemeth not improbable vnto mee, that this crooked arch was made for the waiters. I acknowledge that this *Sigma* hath beene translated diuersly by divers writers, as it appeareth by *Lipsius* in the forequoted place. By some it hath beene taken for the parlour, or supping chamber: so *Lipsius* in his *Antiquities*; by others for the supper or feast it selfe: so *Calius*. By *Lipsius* since it hath beene thought a certaine place, erected in the manner of a hemicycle, or halfe moone, against which they did place one cõtinued bed, able, to take six or seuen guests. But *Brodaus* and *Ditmarus*, in my opinion, haue more truely taken it for the table it selfe. About the table that was perfectly round, were placed three beds, couered with tapestrie, or some other kinde of couering, according to the wealth and abilitie of the person, and thus.

-----Strato discumbitur ostro;

the beds being ready furnished, the guests lay downe in manner as followeth. Each bed contained three persons. Sometimes foure, seldome or never more, except at their great and more solemne feasts. If one only lay vpon the bed, then he rested the vpper part of his body vpõ his left elbow the lower part lying at length vpon the bed: but if many lay vpon one bed, then the vppermost did lie at the beds head, laying his feet behind the second his back; the second rested his head in the others bosome, hauing a cushion put betweene, laying his feet behind the thirds backe; in like manner the third and fourth did lie. The number of the guests was not great, seldometimes exceeding nine whẽce *A Gellius* [h] saith, that the number of guests should begin with the *Graces*, & end with the *Muses*, that is, they must not be fewer then three, nor more then nine. This also hath bin the reason of that adage. *Septẽ conuiuium, nouem conuiuium facunt.*

[h] A Gel. noct. Attl. l. 13. c. 11. *Tribus aut nouem miscentur cyathis pocula commoda. Qui musas amat impares, Ternos ter cyathos attollat ocius petet Vates: tres prohibet supra Rixarum metuens tãgere Gratia Nuda inuicta sororibus.* Horat. carm. l. 3. Od 19.

[i] Alex. Gen. dier. l. 5. c. 22.

Heliogabalus seemeth to to haue beene delighted with the number of eight, [k] whence he inuited to supper *octo calvos, octo luscos, octo podagrosos, octo surdos, octo rancos, octo insigniter nigros, octo insigniter longos, octo prapingues, & octo, nasutos, delectatus illo Graco proverbio, ἀναπτοντὰ.* Those that were not invited, but came of there owne accord vnto a feast without bidding, by *Plautus* they are called *Muscæ*, flyes; by others they are called *Vmbræ*, shadowes. Hence is that of *Horace*.

[k] Stuckius de convi. l. 2. ca.

——Locus est pluribus vmbris.

The party which inuited the guests, sometimes expressed his earnestnesse, by pulling and hailing one by the cloak: whence *Stuckius* obserueth, that when they would shew how earnestly they were invited, they would say, *Penulam mihi scidit*; he tore my cloake off my shoulder. Againe on the other side, when they would shew, how easily the guest was intreated, they would say *Illius ego vix tetigi penulam, tamen remansit.* Before the guests sate downe, their shooes were vsually pluckt off, that they might not foule the beddes, on which they did lie [l].

[l] Terent. in Heautont.

Accurrunt servi soleas detrahunt;
Video alios festinare, lectos sternere, cœnam parare.

[m] They likewise did gird their heads with fillets and hairelaces, as often as they intended to drink more then ordinary, thereby to prevent the vapours, which otherwise would annoy the head: for which reason, they did likewise [n] vse garlands of yuie, and mirtle-tree, and roses; the coolenesse of which comforted the braine. These garlands were also *Symbolum plena libertatis*, a token of their full liberty. The carver in these feasts, was called from his artificiall setting and ordering the dishes vpon the table *structor*; & from his artificall carving and cutting vp of the dishes, *Carptor*. *Tryphærus*, as appeareth by *Iuvenal. Satyr.* 11. was famous for his skill in carving: he did set vp a schole, teaching such as came vnto him by rules and precepts; and also shewing them the

[m] Cœl. Rhod. 27. c. 26.

[n] Plin. 16. c. 1.

manner

manner of caruing: which that he might the better do, he furnished a table with seuerall dishes of meat, formed and fashioned in wood, with a dull knife, shewing his schollers after what manner, and with what gesture of their body, they should cut vp this or that dish. This supper, because of the wooden dishes of meat, was called *Cœna vlmea*. They diuided there supper vsually into three parts, which they termed their first, second & third course. In the first course commonly was serued mulberies, lettices, sausages, & alwaies egges: as likewise in the last course (whether the second, or third) were serued nuts, figs, grapes, but alwaies apples: [p] whence we say proverbially, *Ab ouo ad mala*, from the beginning of the feast to the end; or simply, from the beginning of any thing to the end thereof. The middle course, was the maine supper, and the chiefe dish thereof was called *Caput cœnæ*: In *Lipsius* his phrase, it is called [q] *Fundus & fundamentum cœnæ*. Their first messe they called the *proœmium*; the last the *epilogue*, which because it consisted so much of sweet and delicious meats, hence did they apply that vnto the second course, *δεύτεραι φροντίδες σοφώτεραι, id est, Secundæ cogitationes sunt sapientiores*. If the table were well furnished with plentie and variety of dishes, it was called *Cœna recta*, or *cœna dubia*: *Recta* in this place signifieth as much as *vera*: thus *ἀληθὲς* among the *Gracians*, sometimes signifieth *verus & sincerus*. The phrase intimateth, that it was a true supper, opposed to that dole of meat distributed by princes to the people which from the panier or basket, in which it was brought, was called *sportula*: sometimes they distributed money insteed of meat: this also was named *sportula*: so that *sportula* denoted any kind of dole either of meat or mony, which as often as it was giuen in lieu of a supper, it was opposed to *cœna recta*. Yea sometimes by *sportula* wee may vnderstand a light and short supper.

o Stuk de conv. l. 3. c. 3.

p Panciroll. lib. rer deperdit cap decibi capiendi modo

q Stuk. lib. 3. de conviv.

Turneb. adv. lib. 5. cap. 10.

Promissa est nobis sportula, recta data. *Martial.*

The reason why a great feast should be tearmed *cœna dubia*,

is, because in such variety of dishes, the guest is many times doubtfull of which to beginne. Contrary to this is *cæna ambulatoria*, a supper where one dish walketh through the table.

LIB.



LIB. 3. SECT. 1

Of the Roman Aſſemblies.

De Comitijs.

HITHER-VNTO haue wee inſiſted vpon the deſcription of the moſt remarkable parts of the *Roman* citie, togither with the ſeverall diviſions of the *Roman* people, as alſo the *Roman* religion; where wee haue ſeene the generall diviſions of their Gods and their ſacrifices, with their ceremonies thereunto belonging, and likewiſe of the *Roman* games both greater and leſſe. Now are wee to proceed to that part of goverment, which is politicall or civill: where wee will firſt ſpeake of their aſſemblies called *Comitia*, then of their civill magiſtrates, afterwards of their puniſhments, and laſtly of ſo many of their ciuill lawes, as I haue obſerued needfull for the vnderſtanding of *Tully*, and that principally in his Orations. For the more eaſie conceaving of all which I haue præfixed one Chapter of the *Roman* yeare, treating there; of the *Calends*, *Ides*, and *Nones*, the knowledge of which is needfull for that which followeth.

CAP.

Cap. 1.

De Anno & partibus eius

INasmuch as there cannot be a full knowledge of the *Roman* assemblies, without some generall vnderstanding of the *Roman* yeare, and the generall distinctions of the *Roman* daies, it cannot bee but worth our labour in this short chapter, briefly to consider what may bee spoken therein. This word *Annus*, is so called *quasi Annulus*, because (as the Greeke word' Ενιαυτὸς signifieth) ἐν ἑαυτῷ εἶναι, *id est, in se convertitur annus*: which was the reason, why the Egyptians in their mysticall cyphers (called *litera hieroglyphicæ*) did vse the picture of a serpent, hauing his taile in his mouth, to signifie an yeare. The time or space, of this yeare hath beene diverse, according to the diversitie of nations. [a] Some allowed no more daies to an yeare, then we doe to a month, whence that monthly space which the *Latines* called *Mensis* from [b] μὴν, signifying the Moone, they called *Annum Lunarum*. Some allowed foure months, some six months, some tenne. And thus *Romulus* measured his yeare, counting the months either from the number of our fingers, or from the time that a woman goeth with child, or from the time that a widdow commonly mourned for her husbands death, or lastly from the multiplication of vnities which in a simple number doth not exceed ten.

a Vid. Plin. lib. 7. cap. 48.

b Paulus Mar. in Ovid. Fast. lib. 1.

Quod satis est vtero matris dum prodeat infans,
Hoc animo statuit temporis esse satis.
Per totidem menses à fluere coniugis vxor
Sustinet in viduâ tristia signa domo. Ovid. Fast. lib. 1.
Annus erat, decimum cum Luna receperat orbem,
Hic numerus magno tunc in honore fuit:
Seu quia tot digiti per quos numerare solemus,
Seu quia bis quino femina mense parit,

Seu

Seu quòd ad vſq; decem numero creſcente venimus,
Principium ſpatijs ſumitur inde novis. Ouid. Faſt. lib. 3.

Thus *Romulus* his yeare contained of months ten; of daies 304. But after this *Numa* added two months,

At Numa nec Ianum, nec avitas præterit vmbras.
Menſibus antiquis addidit ille duos. Ouid lib. 1. Faſt.

Numa, [c] or as ſome ſay, *Tarquinius Priſcus* perceauing that the months did not alwaies fall out alike euery yeare; but ſometimes the ſame month would happen in the ſummer, ſometimes in the winter, therevpon after long ſtudy & many inſtructions from the *Grecians*, finding the reaſon of this confuſednes, hee added vnto *Romulus* his yeare fifty daies, ſo that the whole yeare afterward was divided into twelue months; becauſe the moone had finiſhed her courſe twelue times in that ſpace; beginning their yeare then at Ianuary: becauſe then in his iudgment was the fitteſt time to beginne the yeare, when the ſunne being fartheſt from vs, did beginn to turne his courſe, and to come vnto vs againe; which is about Ianuary, the ſunne being about the Tropicke of Capricorne. Afterward vpon a ſuperſtitious conceit of the odde number, *Numa* added one day more vnto Ianuary, ſo that whereas at the firſt *Numa* his yeare did agree with the *Grecian* yeare, both of them containing three hundred fiftie foure daies; Now the *Roman* yeare contained three hundred fifty fiue dayes, which computation falling out too ſhort for the true yeare by the ſpace of ten dayes, and ſix houres yearly, it occaſioned every eighth yeare in the interpoſition of 3 whole months, which they called their leap yeare: [d] This confuſednes afterward *Iulius Cæſar* by long ſtudy remedied, adding the odde ten dayes vnto *Numa pompilius* his yeare. And leaſt the odde ſix houres might at laſt breed diſorder in their computation, he appointed that every fourth yeare a whole day ſhould be inſerted, next after the three and twentieth of February; which inſerting they called *Intercalatio* from an old verbe *Intercalo*, and that day they called *Intercalarem*.

[c] Vid. George Merulam in orat. pro Q. Ligario.

[d] G. Merula in orat. pro Q. Ligario.

Now the day following being the foure and twentieth of Februarie, was alwaies the ſixt of the Kallends of March,[e] & therefore becauſe of the interpoſition of that day, they called the leap yeare *Annum biſſextilem*, that is, the yeare where in their falled out two daies, which they called *Sext. Calend. Martij*. And the day thus interpoſed, was called *dies biſſextus*. This computation, which *Iulius Cæſar* found out, wee haue embraced, & doe at this day follow, calling our yeare *Annum Iulianum*, [f] and *Annum magnum*, having relation to the monthly yeare called *Annus Lunaris*; & ſometimes this great yeare is called, *Annus vertens à vertendo*, becauſe it is alwaies turning, and running on. [*] Moreover wee muſt remember, that the Romans did begin their yeare at March; whence that month, which ſince hath beene called *Iulius* in the honour of *Iulius Cæſar*, was by them called *Quintilis*, becauſe it was the 5. month: and that month, which ſince hath beene called *Auguſtus* in the remembrance of *Auguſtus Cæſar*, was by them called *Sextilis*, becauſe it was their ſixt month. Thus then the great yeare being diuided into twelue months, every month was diuided into three parts, *id eſt*, *Calendas*, *Nonas*, and *Idus*. The *Kalends* were ſo proper vnto the *Romans*, that [g] *Auguſtus Cæſar*, when he purpoſed never to doe what he was requeſted, was wont by way of proverb to ſay, that he would doe it *Ad Calendas Græcas*, that is to ſay in our Engliſh proverb, **At Iatter Lammas, never.** For the better vnderſtanding of which, I ſhall inſert three common verſes.

Principium menſis noſtri dixêre Calendas:
Sex Maius Nonas, October, Iulius, & Mars,
Quatuor at reliqui: tenet Idus quilibet octo.

That is, the firſt day of every month is called the Kalends of that month. The 2. 3. 4. 5. 6. and 7. of theſe foure months, May, October, Iuly, and March, were called the Nones of that month: but in all the other months the Nones contained but the 2. 3. 4. & 5. day: ſo that the fift day (for example ſake

e G. Merula in orat. pro Q. Ligat.

f Roſin. ant. Rom. lib. 4.

* Hubert. l. 3. epiſt. fam. 18.

g Suet. Octav. Aug. c. 87.

ſake) of Ianuary was called *Nona Ianuariæ*, or *Ianuarij*, the fourth *Pridie Nonarum*, or *Nonas Ian.* (For they vſed alwaies to ſay *Pridie Cal. Pridie Nonar.* and *Pridie Idum*: inſteed of *ſecundo Cal. Non. Id*) The third day of Ianuarie, they called *tertium Nonarum, vel Nonas Ianuar.* the ſecond day of Ianuary they called *quartum Nonarum, vel Nonas Ianuar.* After the Nones followed the Ides, which contained eight dayes in every month, ſo that the 15 day of the foure aforeſaid months, were called *Idus Maij, Idus Octob. Idus Iulij*, and *Idus Martij*. In all the other months, the 13th day was the ides: as to proceed in Ianuarie, the thirteenth day was called *Idus Ianuar.* the twelfth *Pridie Idum, vel Idus Ianuar.* The eleuenth *tertio Iduum*, or *Idus Ian.* the tenth *quarto Iduum, vel Idus Ian.* the ninth 5° *Id. Ian.* the eight 6° Id. Ian. the ſeuenth 7° Id, Ian. the ſixth 8° Id. Ian, After the Ides then followed the Kalends of the next month. As the fourteenth of Ianuarie was *decimo nono Caleudarum*, or *Calendas Februar.* the fifteenth *decimo octavo Calend. Febr.* the ſixteenth *decimo ſeptimo Cal. Feb. &c.* Where wee muſt note that as often as we vſe *Pridie, tertio, quarto*, or any of thoſe numerals with an accuſatiue caſe, as *Pridie Calendas, &c.* the *Grammarians* ſay that this præpoſition *Ante* is eclipſed; Againe every month had in its compaſſe three great markets, which becauſe they were obſerved every ninth day were called *Nundina*, and the latter of them being the greateſt is called by *Athenæus* τὴν ἰννάτην, which we may render *Trinundinum*, or *Trinum nundinum*. It followeth now that I ſhould treat of the dayes, which are the leſſer parts of the yeare: where before wee proceed, wee will conſider the parts, which the *Romans* divided their day into.

Dies Ciuilis continet

- *Lucẽ, cuius partes sunt*
  - *Diluculum.* The breake of day.
  - *Mane.* The full morning.
  - *Admeridiem,* The fore-noone.
  - *Meridies, quaſi Medidies.* Mid-day, or *quaſi Merus dies.* Perfect day, Noone.
  - *De meridie.* After noone.
  - *Solis occaſus.* Sunne ſetting.
- *Noctem, cuius partes ſunt*
  - *Crepuſculum,* The duske of the evening.
  - *Primus fax,* Candle-tining.
  - *Veſper.* The night.
  - *Concubium.* Bed time.
  - *Nox intempeſta.* The firſt ſleepe.
  - *Ad mediam noctem,* Towards mid-night.
  - *Media nox.* Mid-night.
  - *De media nocte.* A litle after mid-night.
  - *Gallicinium,* Cock-crowing.
  - *Conticinium.* All the time from cock-crowing to the breake of day.

The day and night againe were each of them divided into *primam, ſecundam, tertiam, & quartam vigiliam,* every watch containing three houres. The firſt of the night began at ſixe of the clocke in the evening: and the fourth ended at ſix of the clock in the morning. [g] Theſe watches were diſtinguiſhed by ſeverall notes and ſounds of Cornets, or Trumpets, that by the diſtinction and diverſitie thereof, it might eaſily be knowne what watch was ſounded. Moreouer wee muſt vnderſtand that the *Romans,* vpon a ſuperſtitious conceit & obſeruation of misfortunes and evill events falling out on ſome daies, and more happy ſucceſſe vpon others, haue called the former ſort of daies *Atros dies,* or *dies poſtriduanos, & Ægyptiacos: ἀποφράδας Graci nuncupant, perinde ac ſi nefandos dicas.* The reaſon why they were called *Poſtriduani* was becauſe they thought *Dies Poſtridie Calendas, Nonas, & Idus id eſt,* The next day after the Calends, Nones, & Ides, of every monteh to be vnfortunate; and the latter ſort they called

[g] Alex. Gen. lib. 3. cap. 12.

Albos

Albos dies, [h] borrowing the names from the *Scythians*, who vsed to chalk out the fortunate daies in their Kalenders with white characters, whence *Horace* saith.

Cressa non careat pulchra dies nota.

Other-some, as their vnfortunate and vnluckie daies, were noted with a coale or blak character, according to that,

Nigro carbone notatus.

Againe their Kaleuder distinguished some daies for Holy-daies, which they called *Dies festos*, festiuall daies, or *dies Feriatos, & Ferias*, Holy-daies, [i] because they did vpon such daies *Ferrire victimas, id est*, offer vp sacrifices. Others were distinguished for working daies, which they called *Profestos quasi procul a festis*. The third distinction was of halfe holy-daies, which *ab intercidendo*, they called *Dies intercisos*, as it were daies cut asunder: the one part of them being allotted for worldly businesse, the other for holy and religious exercises. [k] The *feria* were either *priuata*, and so they belonged sometime to whole families, as *Familia Claudia, Æmilia, Iulia, &c*, sometimes to private persons, as every one his birth day, particular expiations, &c. or else they were *Publica* such as the whole common-wealth did obserue: and they were of two sorts, the one called *Anniuersaria*, which were alwaies to be kept on a certaine day, [l] and therevpon they were called *feria stativa*; the other *conceptiua*, which were arbitrary, and solemnised vpon such daies as the Magistrats and Priests thought most expedient, whereof the *Latinæ Feriæ* were chiefe: which *Latinæ Feriæ* were kept on mount *Albane* to *Iupiter Latiar*, for the preservation of all the Latine people in league and confederacie with the *Romans*, and were solemized in memorie of the truce betweene those two nations. Those *Feriæ* which were called *Imperativa*, and [n] *Indictiuæ*, because the *Consul, Prætor* or chiefe Pontifie, according to their pleasure *imperabant, & indicebant has id est*, commanded them, may in my opinion bee contained vnder that, number of *Feriæ conceptiuæ*, in respect of the vncertainty

[h] Vid. Erasm. Adag. vnione signare.

[i] Ascensius in epist. 3. illust. vir. lib. 2.

[k] Rosin. ant. lib. 4. c. 3.

[l] Alex. Gen. dier. lib. 5. c. 7.

[m] Alex. Gen. dier. lib. 6. c. 7. [n] Serv. Æneid. lib. 11

certainetie of them. Another distinction of daies is found in the Roman Kalender, to haue beene in *Fastos*, whole court or lee-daies; *Ex parte Fastos*, Halfe court daies; *Nefastos*, Non-leet daies; though this word *Nefastos* be often expoũded vnluckie, as in that of [o] *Horace* touching the tree, *Ille & nefasto te posuit die*, that is, Hee planted thee in an vnhappy time. These Daies were called *à fando*, from speaking; because vpon those daies which were *Fasti*, the *Prator* or L. chiefe Iustice might lawfully keepe court and administer iustice, which was not done without the speaking of these three words, *Do*, *Dico*, and *Addico*; [p] *Dabat actionem dicebat ius*; *Addicebat tam res quàm homines*. Where by the way we must note, that sometimes these court daies were also called *dies comitiales*, because that [q] vpon every such day which was noted in the Kalender for a cõitiall day, if the publique assemblies were not held, it was lawfull to keep court: whence not only *comitiales dies* doth signifie a law day, but *comitialis homo* also doth signifie a wrangler in the law, or a litigious person.

o Carminum lib. 2. Ode. 13.

p Ioach. Camerar. pro Flacco.

q Berſman. in ſuis andot. in Rom Calend. ad finem. Ov. Faſt.

Cap. 2.

De comitijs idq; Calatis precipue, de Rogationibus, & antiquâ scribendi ratione.

EVery assembly of all the *Romane* people being called together by a lawfull magistrate to determine any matter by way of giuing voices, is *à coeundo* tearmed *Comitia* simply, without the adiection of any other word; or *Comitia calata*, that is assemblies called together, from καλέω or the obsolete latine verbe *calo*, which signifieth to call: though afterward those assemblies onely, which were held either for the inauguring of some põtify, some *Augur*, some *Flamẽ* or him that was called *Rex sacrorũ*, or for the making of their wills & testamẽts, were called *Calata comitia*.

Whence

Whence the will that was made in these assemblies was called *Testamentum calatis comitijs*. This kind of assembly is sometimes called *comitia* [a] *pontificia*, and *comitia sacerdotum*, in that sense as others are called *Consularia*, or *Ædilitia comitia*; namely because the pontifies in these, as the *Consuls*, and *Ædiles plebis* in the others, were chosen. There follow th three others kinds of assemblies: for either the people did assemble themselues by parishes, called *Curiæ*; or by hundredths, called *Centuriæ*, or by wards, called *Tribus*. The first sort of assemblies they called *comitia Curiata*, the second *comitia Centuriata*, the last *comitia Tributa*. [b] Where by the way we must note, that that thing which was determined by the *maior* part in any parish, hundreth, or ward, was said to be determined by that whole parish, hundreth, or ward and that which was determined by the *maior* part of parishes, hundreths, or wards, was said to be approued *comitijs Curiatis, Centuriatis, vel tributis*. Secondly we must note, that neither children vntill they were seuenteene yeares old, nor old men after the sixtieth yeare of their age, were allowed to suffrage in these assemblies, whence arose that adage. *Sexagenarij de ponte deijciēdi*: [c] & old men were hence called *Deponta-ni*, for the explication of which see before. Here before wee speake of those three seue all kinds of assemblies, wee will consider the manner of their proceedings in propounding cases vnto the assemblies. [d] The custome was at first, that the *Romans* should bestow their suffrages *Viua voce*, but afterward that every one might with freer liberty giue his voice, they commanded certain wooden tables, wherein the names of those that stood for offices were written, to bee carried about, every suffrager receiuing so many tables, as their were suitors: then did the people giue back that table with whom they would suffrage. But if a law were to be enacted, then euery suffrager receaued two tables, in the one of which were written these two great letters V.R. in the other was written a great *Roman* A. Those who deliuered these tables vnto the

a Ioan. Tiffinus in orat. pro Cœlio.

b Sigon. de iure Rom. lib. 1. c. 17.

c *Pars putat vt ferrent iuuenes suffragia; olim Pontibus infirmos præcipitasse senes* Ou. Fast.

d Philip Beroaldas in orat. Phil. 11.

the people; did ſtand at the lower end of thoſe bridges (which were erected vp for the ſuffrages to aſcend vnto the *ovilia*) whence they were called *à diribendo id eſt*, from diſtributing *Diribitores*. At the other end of the bridges were placed certaine cheſts or little coffers, into which the ſuffragers which did approue the law did caſt in the firſt table; thoſe that diſliked it, did caſt in the ſecond for by thoſe two letters V. R. which were written in the firſt, is meant *Vti Rogas*. i. Be it as thou haſt asked, this word *fiat* being vnderſtood. By A in the ſecond table was meant *Antiquo, id eſt*, I forbid it, the word ſignifying as much as *antiquum volo*, I like the old law, I loue no innouations. The tables being thus caſt into the cheſts, certaine men, appointed for that purpoſe in manner of Seruators (they called them *Cuſtodes*, & ſometimes [c] *Nongenti*) did take the tables out of the cheſts, and ſo number the voices by making ſo many points or pricks in a void table, as they found tables alike: which kind of accoũting occaſioned theſe and the like phraſes; *Suffragiorum punctà non tulit ſeptem*, and *Omne tulit punctum*; where *punctum* is vſed for *ſuffragium*. The voices being thus numbred, it was pronounced by the common crier what was decreed. Becauſe the vſe of thoſe tables is now growne quite out of vſe, I ſhall make bold to inſert that, which with much labour I haue collected out of ſeuerall autors touching theſe tables. It is certain that a long time the vſe of paper was not knowne, whence men were wont to write ſometimes vpon the inward rindes of trees, called in Latine *Libri* (ſo that to this day wee call our bookes *Libri*, becauſe in old time they were made of thoſe rindes of trees) ſometimes they did write in great leaues made of that ruſh *Papyrus*, growing in Ægypt, from which we haue deriued our Engliſh word **Paper**, & the latin word *Papyrus*, now ſignifying our writing paper. Shortly after the inventiõ of this Ægyptian paper, *Ptolomy* the king of Ægypt reſtrained the common making thereof, becauſe of the great [a] emulation betweene him and *Eumenes* King of *Pergamus* concer

[c] Plin. l. 33. c. 2.

[a] Plin. lib. 13. cap. 11.

concerning their libraries; not long after there sent *Eumenes* hauing found out the making of parchment, hee made vse thereof in writing, and called it from the place *Pergamenta*. At this time did the *Romans* vse to write in tables of wood, couered with wax, called in latine *cerata tabula*. They wrote their wills & testaments in tables, [b] *Hinc secundum & contra tabulas bonorum possessio*; The possession of goods either according or against the testator his will. Because of the wax wherewith these tables were couered, *cera* is often vsed in the same sense, as *Haredes prima cera, id est, prima tabula, & in primo gradu instituti*; by which words I thinke are vnderstood such heires as [c] *Alexander* calleth *Haredes ex toto asse*, that is, heires to the maine inheritance, opposing them to those which did receiue only legacies, whom he calleth there *Haredes in imâ cerâ, secundos haredes, & legatarios*. [d] *Syluius* not vpon improbable grounds doth thinke, that *Tully* doth vnderstand by *Haredes secundi*, such heires as were nominated to succeede the chiefe heire or heires if they died. They wrote their accounts in tables, hence *tabula accepti & expensi*, signifying reckoning bookes. These count books were of two sorts, some monthly without order, or method called *Adversaria*. *Quòd adversa parte etiam scriptis implerentur*. Others perpetuall, being the transcript of the forme, called *Tabula accepti & expensi*. They wrote their statutes also in tables, whence *Tabula publica*, are englished statute books, or rather books of record. Those writings or instruments which the Senate or Emperour caused to be hanged vp in the market place, to release and discharge any banckrupt from paying his debts, they termed *tabulas nouas*, wee may english them letters of protection. They wrote their inventories of goods set at sale in tables, calling them *tabulas auctionarias*; yea they indited their epistles and common letters in tables; in somuch that *tabella* are expounded missiue letters, and *tabellarius* which properly signifieth a carrier of tables, is now vsed to signify a letter carrier, yet they [f] sometimes

[b] P. Pellicus in orat. pro A. Cæcina.

[c] Alex. Gen. dier. l. 1. c. 1.

[d] Fr. Siluius. pro Cluentio.

[e] Cœl. Rhod. lib. 12. cap. 21.

[f] Fr. Sylv. in orat. Catalin.

[g] Suidas in voce μεταβόλος.

h Sueton. Nero. 20.
i Plinl. 13. c. 11

times wrought also in plaies of lead, εἰς ἐλασμὰς μολύβδου γεγραμμένας; And thus we may vnderstand what h *Suetonius* meaneth by *charta plumbea*: concerning all these, *Pliny* writeth excellently; before the vse and making of paper was invented; men wrote at first in palme tree leaues, afterwards in the rindes of certaine trees, afterward publike monuments were recorded in volúes or roles of lead, at last priuate matters on fine linnen or wax. k The manner how they sealed their letters was thus: they did bind another table vnto that wherein the inditemẽt was, with some strong thread, sealing the knot of that thread with wax, whence *Cicero* saith *Linum incidimus*, that is, we opened the letters, hence also is that of *Plautus*, *Cedo tu ceram ac linum: age, obliga, obsigna citò*,

k Fr. Sylv. in orat Catil. 3.

l Iust. Lipse. epistol inst. c. 4.

l The impression was commonly their owne image, or the image of some of their ancestors. The matter on which the impression was made, was not alwaies waxe, but sometimes a kinde of tempered chaulke, which occasioned that phrase of Tullies, m *Signum ille animadvertit in cretula*. n Lastly they wrote their bookes in tables, whence from them we do at this day call our books *codices à caudicibus*, *caudex* signifying properly the truncke or stocke of a tree, whereof these tables or books were made. We must note withall that they wrote not with inke or quille, but with an instrument of steele; or yron, hauing o a sharp point at the one end, and being broad, yet keene and well edged at the other, with the sharpe point they did write what they pleased, with the broad end they did scrape out what they had written: Whence *Stylum inuertere* is to say and vnsay a thing, to turne his punch the wrong end downeward, as it were to scrape out that which one had formerly written. The Romãs did afterward vse instead thereof, an instrument made of bone, prohibiting the vse of yron ones, as p *Isidore* noteth by that law, *Ceram forone cædito*. And as we vse this word *Manus* to signify the writing it selfe, according to that of q Tully, *cognouit manum, & signum suum*:

m Cic. 4. in Verrem.
n P. Pellitar. in orat. pro A. Cæcinna.
o Vid. Erasm. Adag.
p Horman. Hugo. de. prima scrib. orig. cap. 9.
q Cic. orat. cont. Catil.

so

so in the like sense we vse this word *Stylus*, to signify the peculiar tenure or straine of phrase, which any man obserueth in the composing of an oratiõ, epistle, or such like; in which sense Tully vseth it, as the antitheton to *gladius*, in that speech of his, *Cedat forum castris, otium militiæ, stylus gladio*, though in another place he vseth it to signify, if not a sword, yet a pocket dagger, as *Etsi meus ille stylus fuisset*; [r] in which place *Stylus*, doth signify as much as *pugio*. And here seeing wee are fallen into the manner and custome of ancient writings, it will not be amisse to note that vsually at the end of their bookes they printed a little marke, which they tearmed *Coronis*. Those that interpret *Aristophanes* describe that marke thus, saying that it is [t] *Linea brevis ab inferiore parte flexa*. All agree in this, that it was some common & known dash, vsually subioyned to the end of bookes: [u] others are of opinion that the ancient *Romans* did in like manner adorne the frontispice, or beginning of their books, with the picture of an halfe moone, which obseruation giueth light not only to that adage ἀπὸ τῆς ἀρχῆς μέχρι τῆς τελευτῆς, From the begining to the ending. But also that of *Martial. lib.* 10.

Si nimius videor, seraq; coronide longus
Esse liber, legito pauca, libellus ero.

And of *Ovid*.

Candida nec nigra cornua fronte gerat.

For in *Turnebus* his iudgement those halfe moones prefixed, were called *Cornua*. Howsoeuer this may be true touching the dash, or character at the end of a booke, and that it was tearmed *Coronis*: yet I doubt whether any such halfe moone was vsually prefixed in the beginning of bookes, or whether such an halfe moone were denoted by the Latine word *Cornu*: more probable is his opinion, [x] who treating of this very matter, saith, that in old time a whole booke was written in one continued page, nether did they then cut their bookes into many leaues, and bind them vp in that manner as we doe; but that one entire page in which alone the whole book was

[r] Cic. orat. pro Murzn, [s] Mic. Toxita. in orat. Phil. 2.

[t] Cœl. Rhod. lib. 15. cap. 20.

[u] Turn. adv. lib. 22. cap. 10.

[x] Pir. hierog. lib. 34.

writen, was wont to be roled vp vpon a ſtaffe faſtned at the end thereof, in manner as many large maps are now adaies with vs. Hence it is *á voluendo*, that we call our booke, *volumina*, Volumes this ſtaffe on which the booke is roled was called *Vmbilicus*, the ſame word ſignifieth a nauill, which becauſe it is the middle part, and as it were the centre of a mans body, hence approued authors vſe the word to ſignify the middle of any thing; and happily that name was firſt giuen this ſtaffe, becauſe when the booke was roled vp, the ſtaffe was the middle thereof: howſoeuer becauſe it was faſtned alwaies at the end of the page, hence *Vmbilicus*, eſpecially when it is applied to a booke, ſignifieth the end thereof: as *Horace*, *Ad vmbilicum ducere*: to bring to an end the two pummels, or ends of this ſtaffe, which did iut out & appeare on each ſide of the volume, they called *Cornua*; & they were wont to be tipt with ſiluer, or gold, or otherwiſe adorned. The title which was the beginning of euery booke, was tearmed *frons*. This ſeemeth more probable then that of *Turnebus* his, and giueth greater light to that of *Ouid*,

Candida nec nigra cornua fronte gerat.

Now that we may proceede to the matter whence we haue digreſſed, it remaineth that wee ſhould declare the manner how they enacted their lawes. All the *Romans*, though free Cittizens had not power & authority of preferring the law, but only eight of their Magiſtrats, which they called *Magiſtratus Maiores*: namely the *Prator*, the *Conſuls*, the *Dictator*, the *Interrex*, the *Decemviri*, the *Military Tribunes*, the *Kings* & thoſe *triumviri*, vnto theſe eight was added one of thoſe who they entitled *Magiſtratus minores*, namely the *Tribunus plebis*. If any of theſe Magiſtrats thought it fit to preferre a law, then did he firſt write it downe at home, & conſult with ſome lawyer, whether or no it might be for the good of the Commonwealth, whether it ſhould not weaken any former law, or whether it was not formerly included in ſome other law, &c. Theſe and many other cautions were to be conſi-

dered

dered before it was preferred, yea some would haue the approbation of the whole senate after the advice of their lawyer, though diuerse times that hath beene omitted. And the lawyer alone allowing it, the law was hanged out publikely in the market place for the space of 3 market daies, which kind of publishing the law was tearmed, *Legis promulgatio, quasi provulgatio*, during which time of promulgation, reasons were alleaged *pro & con* by the spectators: and all the people had so much time to cõsult of the cõvenience thereof, and euery one vpon iust reason, had free liberty to admonish him that preferred the law, either to amend it, or to surcease the proposall. After the third market day (for vnlesse it were vpon an extraordinary occasion, no assembly might be called vpon a market-day, because of the country folkes businesses, they also hauing freedome of suffraging) the Magistrate did convocate the people to that place where the law was to be proposed: there the Towne-clearke, or Notary reading the law, the common crier proclaimed it, then did he which promulged it, make an oration vnto the people, perswading them that it might passe. Sometimes others of his friends would second him with orations in his behalfe, as likewise others that disliked it, would by orations dissuade the people, shewing the inconvenience thereof. After the orations had bin ended, an vrne or pitcher was brought vnto certaine Priests there present, into which were cast the names of the tribes, if the *Comitia* were *Tributa*; or of the centuries, if they were *centuriata*; of the parishes, if *curiata*: then *sortibus aquatis*, that is, the lots being shakē together they drew their lots; and that tribe or centurie whose name was first drawen, was called *Tribus, vel centuria prerogatiua, à prærogando*, because they were first asked their voices. *Turnebus*, interpreting that of *Tully, Maiores voluerunt prærogatiuam omen esse iustorum comitiorum*, interprets it; That the *Romanes* did so depend vpon the prerogatiue Centurie, that they would alwaies declare him Consull that was cho-

sen by them. *Turneb. adv. l 5. c. 23.* That *Curia* vpon which the first lot fell, was called [q] *Principium*, because that *Curia* did first suffrage Those Tribes vpon whom the other lottes fell; namely the second, third, fourth, &c. were tearmed *Tribus Iure vocata*. From this distinction it is, that such a man as hath the voices of the prerogatiue Tribe, or Centurie, is said to haue [r] *Omen prærogativum*: which good fortune whosoeuer could attaine vnto, was in great hope of obtaining the other voices of the *Iure vocate*; for they neuer, or very seldome wold swarue from the determination of the prerogatiue Tribe, or centurie. Whiles the people were busie in their lotterie, in the meane time if any [s] Tribune of the Commons would *intercedere*, that is, forbid the proceeding, he might be heard, and the whole assembly thereupon should be dismissed: likewise they were dismissed if either he which first promulged the law did alter his opinion, or if the *Consul* commanded supplications to be offered vp in the behalfe of their Emperour, or any of those holy daies called *Feria latina, vel Imperatoria* to be obserued vpon that day; or if any of the people assembled were taken with the falling sickneſſe (by reason whereof that disease is called by the [t] Physitians at this day *Morbus comitialis*:) Lastly, the assemblies were dissolued by reason of the southsayings, which kind of dissolution was caused either by the ciuill Magistrate his obseruing of signes and tokens in the heauen, and that was called *Spectio*, and sometimes *de cælo observatio*; the very act of this obseruation, though no vnlucky token did appeare dissolued the assembly: or else it was caused by the *Augures*, and ciuill magistrate promiscuously, whensoeuer any ciuill token was seene or heard, either by the Magistrate, or Augur (amongst which thunder was alwaies counted the vnluckyest) at which time the assemblies were in like manner to be dissolued: this manner of dissolution was tearmed *obnunciatio*, or *Nunciatio* [u] *Obnunciabat, qui contra auspicia aliquas eri nunciabat*. Both these kinds are easily to be collected out of

[q] Rosin ant. lib. 6. cap. 7.

[r] Cic. pro Muræn.

[s] Huber. in lib. 1. Cic. ep. fam. 2.

[t] Fuchsii in st. medi cn. l 3. sect. 1 i

[u] Stadius in Flor. l. 3. c 7.

of that ſpeech in *Tully*, [x] *Nos Augures nunciationem ſolam habemus. Conſules & reliqui magiſtratus etiam ſpectionem.* Here we may fitly in way of concluſion vnto this tract, adde a iuſt difference to be obſerued betweene theſe phraſes, *Promulgare, Rogare: Ferre, & Figere legem. Promulgare legem*, was to hang vp a law not yet asked, to the publike view of the people, to be examined by them touching the conueniency thereof. *Rogare legem* was to vſe a certaine oration vnto the people, to perſwade the conveniency of the law, which Oration becauſe it began with this forme of words, *Velitis, iubeatis-ne Quirites?* that is, O yee *Romans*, is it your will and pleaſure that this law ſhall paſſe or no? Hence was it tearmed *legis rogatio. Ferre legem*, was when the law had beene approued of by the people, then to write it downe vpon record, and ſo to lay it vp into the treaſure-houſe; [y] *Cùm approbata fuiſſet lex, in ærario incidebatur, & in ærario condebatur, & tunc demum lata dicebatur.* Laſtly *Figere legem*, was to publiſh the law after it had beene approued and recorded, [z] by hanging it vp in tables of braſſe in their market-places, or at their church dores: Hence it is that we vſe [a] *Tabulam figere* in the ſame ſenſe, namely to enact or eſtabliſh a law, and *Refigere legem*, to diſproue or cancell a lawe. [b] And that which was determined *Comitijs curiatis*, was tearmed *lex curiata*; that which was *Comitijs centuriatis*, *lex centuriata*, that which was *Comitijs tributis*, was not called a lawe, but *Plebiſcitum*.

x Cic. orat. Philip 2.

y Fr. Maturantius in Phil. 1.

z Corn. Tacit. annal. lib. 11.

a Fr. Matur. in Philp. 12.

b Sig. de Iure. prou. lib. 3. c. 1.

Cap. 3.

De comitijs Curiatis.

Comitia Curiata were thoſe, wherein the *Romane* people being diuided into thirty pariſhes did giue their ſuffrages: They were ſo called from *Curia* ſignifying a pariſh. And vntill *Seruius Hoſtilius* his time, who did firſt inſtitute the *comitia centuriata*, all things which were determined

mined by the ſuffrages of the people, were determined by theſe *curiata comitia*: But after the other two ſorts of aſſemblies had beene eſtabliſhed, theſe *curiata* were vſed only either for the enacting of ſome particular lawes, or for the creating of ſome certaine prieſts, called *Flamines*. For the better vnderſtanding hereof we muſt remember that though at firſt theſe thirty pariſhes were parts of the three Tribes (each tribe being diuided into ten pariſhes,) yet in proceſſe of time the increaſe of the *Romane* people was ſuch, that a great part of the *Romane* fields were filled with buildings and places of habitation, in ſomuch that the tribes of the *Romans* were encreaſed to thirty fiue: but the pariſhes (becauſe none that dwelt out of the city were tied to the rites and ceremonies of the *Romane* religion) did not encreaſe, ſo that the pariſhes did not alwaies remaine parts of the tribes. Hence it followeth that all the *Romans* had not power to ſuffrage in theſe aſſemblies, but thoſe alone, who dwelt within the city: for no other could be of any pariſh. The place where theſe aſſemblies were held, was the great hall of Iuſtice, called from theſe aſſemblies, *Comitium*. Before theſe aſſemblies were held, it was required that ſome lawfull magiſtrate for ſome competent time before hand ſhould ſolemly proclaime them, and the thirty ſeriants (each pariſh hauing for that purpoſe his ſeriant) ſhould call the people together; as likewiſe three *Augures*, or at leaſt one ſhould be preſent to aſſure them by their obſeruations, either of the fauour, or diſpleaſure of the Gods. Vpon theſe premiſes the matter was propoſed vnto the people, who if they liked it, then they proceeded vnto their election; if otherwiſe they diſliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: whereupon their aſſemblies were preſently diſſolued.

CAP.

bonim

Cap. 4.

De Comitijs Centuriatis.

AS those former assemblies were called *Curiata à curijs*, so were these called *Centuriata à Centurijs*. *Servius Tullius* caused a generall valuation of every citizens estate throughout *Rome*, to be taken vpon record, together with their age: and according to their estates and age, he divided the *Romans* into six great armies, or bands, which he called *Classes*; though in truth there were but fiue of speciall note: the sixt contained none but the poorer sort, and those of no worth or esteeme. The valuation of those in the first *Classis* was not vnder two hundred pounds, and they alone by way of excellency were reamed *Classici*: and hence figuratiuely are our best and worthiest authors, called *Classici scriptores*, Classicall authors. [d] All the others, though they were enrolled in the second, third, or any other *Classis*, yet were they said to be *Infra classem*. The valuation of the second band was not vnder seauen score pounds. The valuation of the third was not so little as an hundred pounds: of the fourth not lesse then forty pounds; of the fift not lesse then twenty fiue pounds. The sixt contained the poorer sort, whom *Horace* calleth *Tenuis census homines*, men of small substance; and also they were called *Proletarij, à munere officioq; prolis edendæ*, as if the only good that they did to the common weale, were in begetting of children: & sometimes they were called *Capite-censi*, that is such as paid very little or nothing at all towards subsidies, but only they were registred among the citizens, as it appeareth by [e] *Sigonius*. These six great bands or armies were subdiuided into hundreths, called in Latine *Centuriæ*. The first *Classis* contained foure-score centuries of foot men, and eighteene of horsemen: the second contained twenty centuries of footmen, and two of

d A. Gel. lib. 7. cap. 13.

e Sig. de iure Rom. lib. 1. c. 4

workmen, which followed after to make military engins & weapons: the third also, as likewise the fourth contained 20. centurys of footmen, but to the fourth were added two other centuries of Trumpeters, Drummers, and such like, who vpon iust occasion did *Classicum canere*, sound the alarme, & vpon iust occasion did againe *receptui canere*, sound the retrait: the fifth *Classis* contained thirty centuries of footmen: the sixt, or last *Classis* contained one centurie: so that in all the sixe *Classes* were contained one hundred fourescore and thirteene centuries. Where we must note that all the centuries of footmen did consist, the one halfe in every *Classis* of the younger sort who were to make warre abroad vpon the enimies; the other halfe of old men, who remained at home for the safety of the citty. All that hath been hitherto spoken of these *Centuriata comitia*, may be collected out of *Sigonius* in the place aboue quoted. The chiefe commander of every centurie was called *Centurio*; the rod, or tip-staffe, wherewith he did strike his souldiers to keepe them in aray, was called by *Pliny*, *Centurionum vitis*. So then we may perceaue, that those *Centuriata comitia* were those, wherein the people did giue their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certaine *Municipall* states also, & such colonies or other states, that could [d] *Plenum civitatis ius cum iure suffragij adipisci*. [e] Now the custome in old time was that all these centuries should march in their armour after the Magistrate which assembled them, into the *Campus Martius*, there to giue their voices. But this custome continued not long, for thereby they did disarme the citie, & giue their enimies (if any should assaile them in time of their assemblies) the greater advantage: for their greater security thereof, they appointed a flagge to be hanged out vpon the mount *Ianiculus*, some few armed men standing there in watch and ward for the safeguard of the citty: and when the assembly was to be dissolved, then did the watch depart, and the

d Rosin. ant. lib. 6. cap. 10

e Rosin. antiq. Rom. l. 6. c. 16.

the flag was taken downe: neither could any thing after that be determined; but if they continued their assemblies, then did they proceed to the giuing of their voices, in old time thus. Those centuries of the first *Classis* being the wealthier had the prerogatiue of suffraging first, and beeause this first *Classis* contained more centuries then all the rest, therefore if they could agree among themselues, the other centuries were neuer asked their voices. This kind of suffraging being somewhat partiall, in as much as the richer & wealthier being placed in the first *Classis*, did ouersway the elections against the poorer sort of people; thence did the after ages appoint that that century should haue the prerogatiue of suffaging first, vpon whom the lot fel. The other centuries were all called [f] *Centuriæ Inrevocatæ*, & did giue their voices not by lots (as the *Tribus Inrevocatæ* did (but the elder and wealthier cẽturies did suffrage next after the prerogatiue cẽtury accordingly as their place required.

[f] Rosin. antiq. Rom. l. 6. c. 20.

Cap. 5.

De Comitijs Tributis.

FOR the better vnderstanding of these assemblies by Tribes, or wards, it will be needful first to learne, that this word *Tribus* in this place doth signifie a certaine region ward, or locall place of the citty, or the fields belonging therevnto according to that, [g] *Tributa comitia erant eùm ex regionibus & locis suffragabantur.* It was so called either *à tributo dando*, every severall region or quarter paying such a tribute; or *quia primò tres tantum fuerunt*, the whole citie being at first diuided only into three regions, or wards, each nationall tribe hauing his seuerall region or local tribe to dwell in. The first national tribe called *Rammenses*, did inhabite the mount *Palatine*, and the mount *Cœlius*, and those too hills made the first locall tribe. The second nationall

[g] A. Gell. l. 15. cap. 27.

tribe called *Tatienſes*, did inhabit the *Capitoll*, and the *Quirinall* mountaine, which two mountaines made the ſecond locall tribe. The third nationall tribe did inhabite the plaine betweene the *Capitoll* and the *Palatine* hill, and that plaine was called the third locall tribe. Of theſe tribes more is ſpoken in the firſt diviſion of the Roman people. Only here we muſt note thus much, that in proceſſe of time after the cittie was enlarged, and the number of Roman citizens increaſed, theſe locall tribes were alſo augmented, ſo that they amounted at the laſt to the number of 35. ſome of them being called *Urbanæ*, others *Ruſticæ*; [h] *Vrbanæ ab vrbis regionibus, Ruſticæ ab agri partibus erant nuncupatæ.* And of theſe two ſorts the *Tribus ruſticæ* were accounted the more honorable. Moreover we muſt remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where theſe *Tributa comitia* were had, ſometimes they fell out to be in the *Campus Martius*, ſometimes in their great hall of iuſtice called *Comitium*; ſometimes in the *Capitoll*: many times in other places, according to the diſcretion of the Magiſtrate which cauſed theſe aſſemblies.

h Sig. de iure Rom. l. 1. c. 3.

Cap. 6.

De Candidatis

IT ſhall not be impertinent to annex ſome neceſſary obſervations touching the *Romane* petitors or ſuiters for bearing office: where we will obſerue theſe three phraſes *ambire magiſtratum*, *inire magiſtratum*, and *abire magiſtratu* The firſt ſignifieth, to ſue for an office; the ſecond, to enter into the office; the third to depart out of the office. Again the diffirẽce of theſe phraſes, *Conficere legitima ſuffragia*, & *Explere ſuffragia*. [i] The firſt ſignifieth to haue ſo many voices as the law doth require. The ſecond ſignifieth to haue more voices

i Roſin. ant. Rom. l. 10. c. 6.

voices then any other competitour, but not so many as the law requireth.

These persons were tearmed *Candidati, à toga candida*, from the white gowne which they did weare, as appeareth more at large, where we haue spoken *De Romana toga*. That they might the easier procure the good will of the people, these foure things were expected from them. First *Nomenclatio*, the saluting of euery citizen by his name; for the better discharge of which, they had a certaine follower, which should by way of prompting, tell every citizens name as he passed by, and hence this prompter was sometimes called [a] *Nomenclator*, which word doth properly signifie a cõmon crier in a court of Iustice, such as call men to their appearance, whence they had their name from *Nomen & calo*, an old latine word to call; sometimes [b] *Monitor*, sometines *Fartor ab infarciendo in aures*. Secondly, *Blanditia*, that is, a friendly compellation by the addition of some complementall name, as well met friend, brother, father, &c. Thirdly, *Assiduitas*, that is an hot canuasing, or soliciting men without intermission. Lastly, *Benignitas*, a bountifull, or liberall largesse, or dole of mony called *Congiarum*, from the measure *Congius* containing a galion, becauſe their [l] dole was at the first made of oyle or wine distributed in those measures. Howbeit κατὰχρησιν̃ any dole, gift, or largesse in mony, or otherwise is called *congiarum*. The distributers of this dole were called [m] *diuisores* & [n] *sequestres*, although sometimes *sequester* signified a briber or corrupter of a iudge. Likewise their bounty or liberality consisted in prouiding great dinners, and exhibiting magnificent shews vnto the people, &c. Where we must obserue, that as often as this largesse is called *Largitio*, it is taken in the worst sence, namely, for an vnlawfull bribing of the suffragers, vnder a pretended largesse, [o] *Benignitas liberalitatem magis significat quàm largitionem.*

[4] Rosin. ant. Rom. l. 7. c. 8.

[a] Cic. orat pro L. Mur. *Mercemur seruum qui dicat nomina, &c.* Hor. l. 1. ep. 6.

[b] Cic. loco supra citato.

[l] G. Trapez. in Phil. 2.

[m] Sig. de iud. lib. 2. cap. 29.

[n] Batth. Latomus in orat. pro M. Cœlo.

[o] Cic. orat. L. Murœn.

Cap. 7.

De Romanis veſtibus.

WEE may obſerue in reading old autors, that as well the *Romans* as the *Grecians* had diverſe diſtinct habits, or outward veſtiments. The *Grecians* had their mantle called *Pallium*; the *Romans* their gowne called *Toga*, and by this different kinde of garment the one was ſo certainely diſtinguiſhed from the other, that this word *Togatus* was often vſed to ſignifie a *Roman*, and *Palliatus* a *Grecian*. [f] *Togati pro Romanis dicti, vt Palliati pro Græcis.* Before we proceed, wee will firſt obſerue what this *Toga* was, and then how many ſorts there were. [g] *Toga à tegendo dicta eſt.* It was made commonly of wooll, but according to the worth and dignitie of the perſon, ſometimes of courſer, ſometimes of finer wooll. As we may collect by that of *Horace.*

—— Mihi ſit toga, quæ defendere frigus
Quamuis craſſa queat.——

We muſt note with *Toxita*, that no women of any credit did weare the *Roman* gowne, but inſteed thereof did vſe a garment called *ſtola* from στέλλω ſignifying *demitto, quòd vſq; ad talos demitteretur*: whence old Poets, when they would point out vnto vs an infamous or lewd ſtrũpet, they would terme her [i] *Mulierem togatam.* [k] This *toga* ſometimes was worne open and vntuckt; then was it called *Toga aperta*: other times it was tuckt vp, and then it was called *toga præcincta.* This cincture or girding vp of the gowne was according to [l] *Sigonius* threefold; *Cinctura laxior, Astrictior*, and *Cinctus Gabinus. Cinctura laxior*, or the looſe kinde of girding was ſuch, that notwithſtanding the tucke, yet the taile trailed on the ground. *Cinctura aſtrictior* the cloſe kinde of girding was ſuch, that after the gowne had beene lapped or

f Sigon. de iudic. l. 3. c. 19.
g Mic. Toxita in orat. Philippic. 2.
h Mic. Toxita ib.
i Roſin. ant. Rom.
k Sig. de iud. lib. 3. cap. 19.
l Sig. ib.

or tucked vp, it ſhould not reach ſo far as the feet. The firſt kind of theſe cinctures did argue a remiſſe, ſoft, and effeminate minde; the latter did ſignifie the promptneſſe or readineſſe of the perſon;[m] *Vnde, Alte præcincti pro expeditis dicti ſunt.* Thirdly, *Cinctus Gabinus* was a warlike kind of girding not ſo that the whole gowne ſhould be tucked vp about the middle, but that it being caſt quite backward, the partie ſhould gird himſelfe with one skirt thereof. [n] This kind of girding was ſo called from a certaine citty of *Campania* called *Gabij*, becauſe vpon a time the inhabitants of this cittie being at ſacrifice; were ſet vpon by their enimies; at which time they caſting their gownes behind them, and girding one lappet or skirt about them, went immediatly to warre even from the altars, and got the conqueſt.[o] In memory of which euer after, the *Conſul* when he ſhould proclaime war, girded himſelfe in like manner. Neither had the *Conſul* alone a peculiar garment when he proclaimed war, but every ſouldier in time of warre did weare a different kinde of garment from the gowne, which the called *Sagum:* we may engliſh a ſouldiers coat. Whence *Tully* vſeth this phraſe *ad ſaga ire*; which *Eraſmus* hath paraileld with this. *Ad certamen ſe accingere*, to buckle for warre. Inſomuch that *Cedant ſaga togæ*, is *æquivalent* to that of the Oratours. *Cedant arma togæ.* Touching the difference of the *Romane* gownes, I find them diſtinguiſhed by [p] *Sigonius* according as followeth; in *Togam Puram, Candidam, Pullam, Prætextam, Paludamentum, Pictam, Trabeam. Toga pura* was the common ordinary gowne worne by new married women, and, *Tanaquil prima texuit rectam tunicam, quæ ſimul cum toga pura tyrones induuntur novæ nuptæ. Plin. lib. 8. cap. 48.* and by priuate men at mans eſtate, about the ſixteenth yeare of their age, at which time they were ſaid, *Excedere ex ephebis*, that is, to be paſt ſtriplings. Notwithſtanding the ſixteenth yeare was not alwaies ſtrictly without exception obſerved, [q] for *M. Aurelius* was permitted to weare this gowne being but fifteene yeares old

m Sig. ibib.

n Serv. Æneid lib. 7.

o Alex. Gen. dier. l. 1. c. 14.

p Sig. de iud. 3. cap. 19.

q Roſin. antiq lib. 7. cap. 32.

old; & *Caligula* did not weare it till the nineteenth yeare of his age. This kinde of gowne besides that it was called *Pura* it was also sometimes called *virilis*, sometimes *libera*. It was called *pura* in respect of its pure white colour, being free fro all admixtures of purple, or any other colour and therefore some haue tearmed it ἀβάπτιστον, all white, others ἀπόφορφυρον, void of purple. It was called *virilis*, because it was giuen to striplings now growing to mans estate. Whence we vse to say of a stripling past 16. yeares of his age, *virilem togam sumpsit*, he is now become a man. Lastly, it was called *libera*, [z] because then they did receaue some beginning of freedome as being about that time freed from their school-masters, & ouerseers. [f] This kind of gowne was not made open but sowed downe to the bottome, and also it was made without sleeues, so that if at any time they had occasion to vse their armes, they would take vp their gowne and cast it quite behind them, or vpon their shoulders. But these striplings could not for one whole yeares space, cast back their gowns in that manner for the liberty of their armes without the imputation of immodesty, as it appeareth by [c] *Cicero*, *Nobis annus erat vnus ad cohibendum brachium toga constituta*. The like liberty it seemeth was denied those that stood for places of office; [u] and thence is it, that *Horace* wisheth such to hire them a seruant

Et toga non talas vincere iussa nives Martial

z Rosin. antiq. Rom. l. 5. c. 32.

f Aldus Manutius. v. Ros. ib.

c Cic in orat. pro Cœlio.

u Sig. de iud. lib. 3. cap. 19.

---*Lanum*
Qui fodiat latus, & cogat trans pondera dextram
Porrigere----

In which place by *pondera* is vnderstood the Roman gowne, as [x] *Sigonius* hath expounded that place. Now for the vnderstanding of *Toga candida*, wee are to learne a difference betweene this *candida toga*, and the *toga pura* aboue spoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenesse. The *toga alba* had only the naturall whitenesse of the woolle; the *toga candida* had an artificiall white die: whereby the glasse of the white was made more orient and intensiue. Or else as [y] *Sigo-*

x Sigon. ib.

y Sigon. ib.

nius

nius hath obſerued out of *Iſidorus*, *intendendæ albedinis cauſâ cretam ad diderant*, that is, they chalked it to encreaſe the whiteneſſe thereof. And herevnto *Perſius* alludeth

----Quem ducit hiantem Cretata ambitio.

Whence *Polybius* calleth it *togam λαμπρὰν*, that is, ſhining or ſplendent. Moreover whereas the *alba toga* was the ordinarie Roman gowne which commonly the *Romane* cittizens did weare; this *candida toga* was only worne by thoſe which did *ambire magiſtratum*, ſue for a magiſtracie or place of office, who during the time of their ſuit were called from their gowne *candidati*: and *Quintilian* borrowing his metaphor from them, hath called an young ſtudent *eloquentia candidatum*. The third ſort of gowne which I tearmed *togam pullam*, was a blacke gowne, and thereof was two ſeuerall kindes; the one cole-blacke, which was worne *luctus cauſa*, in token of mourning and the mourners were thence called *Atrati*, and as often as they did weare this gown, they were ſaid *Mutare veſtem*, [z] which phraſe in old authors doth ſignifie nothing elſe, but to go in mourning apparell: The other not cole-blacke, but only fould or ſtained, and that was worne *reatus cauſa*, in times of arraignment, & thoſe that wore it were called *ſordidati*, *à ſordibus in veſte*, frõ the ſpots or ſtaines in the gowne. Where we muſt note, that in proceſſe of time *Toga pulla* became the ordinary gowne which the cõmon people did weare, at which time the ordinary gowne, which the citizens of better place and eſteeme did weare, was the *toga candida*: whereupon there did then grow a diſtinction of the citizens vnknowne to the former age, ſaith *Roſinus*, namely that ſome were tearmed *candidati*, others *pullati*, *Candidati* were thoſe, not which became ſuiters for places of office (as in old time it ſignified) but thoſe which did liue in better repute then others, from whence it is, that [a] he whoſe office was to read the Emperours letters in the Senate was called *Candidatus principis*, or *Quæſtor candidatus*. It did ſomewhat reſemble the office of the King his Maieſties chiefe Se-

[z] Sig. de iud. lib. 3 cap. 19. Cic. orat. pro P. Sext. *Suum dolorem veſte mutatâ ſignificabant Romani.*

[a] Feneſtella de mag. Rom. cap 3.

cretary. *Pullati* were thoſe of the commonalty or inferiour ſort. The fourth ſort of gowne was the *toga pratexta*, ſo called, *quia ei purpura pratexta erat*, becauſe it was garded about with purple ſilke. This kinde of gowne at the firſt was vſed only by the Romane prieſts & chiefe magiſtrats: Neither was it lawfull for ſuch as did weare that gowne to bee arraigned, or ſentenee to be given on them vntill that gowne was put off. In continuance of time this *toga pratexta* was permitted firſt to Noble-mens children: afterward to all Romane children in generall: wherevpon, [b] *Togatus à pratexto differt, vt privatus à magiſtratu, & vir à puero*, and *ætas pratexta*, is taken for childhood; and *pratextati* ſometimes for magiſtrates, but commonly for young children. The fift ſort of gowne was called *Paludamentum*; It was a military garment, which none but the L. Generall of the chiefe captaines did vſe to weare. [d] *Iſidorus* ſaid it was not only garded with purple, but with skarlet and gold lace, whence it was ſometimes called [e] *toga purpurea*, ſometimes *coccinea*. It was much like the habit which the *Grecian* Emperour was wont to weare called *Chlamys*; yea now it is called *Chlamys*; we may engliſh it an *Heralds* coate of Armes. The ſixt ſort of gowne was called *toga picta*, [g] becauſe in it were imbroadered goodly pictures with needle work: it was alſo called *Purpurea*, not becauſe of any purple gard (in which reſpect the *pratexta*, and the *paludamentum* were called *purpurea*) but becauſe it was all over with a purple die. It was by ſome tearmed *toga primata*, becauſe in it many palme branches being the reward & token of victory were wrought; whence by others it was called *toga triumphalis*, becauſe emperours in their triumphs did weare ſuch gownes. The laſt ſort of gowne was *Trabea*, whereof there were [h] three ſeuerall kinds; the one woven all of purple, which was conſecrated vnto the Gods: the ſecond was purple woven vpon white, and this only kings and *Conſuls* might weare, the third was skarlet wouen vpon purple, and this the *Augures* onely did weare. [i] This laſt ſort was there-

b Pet. Pellitarius in orat. pro A. Cæcin.

c Alex. Gen. dier. l. 5 c. 18.

d Sig. de. ant. lib. 3. cap. 19.

e Sigon ib.

f Roſin. antiq. lib 5. c. 31.

g Sig. de. ant. lib. 3. c. 19.

h Serv. Æneï. lib. 7.

i Alex. Gen. dier. l. 5. c. 18.

therefore called *trabea anguralis*, the second *trabea regia*, the first *trabea consecrata*.

Cap. 8.

De Tunica.

THose coats which were worne vnder the gowne were called *Tunica*; & that they were worne vnder the gowne it appeareth by that Adage, *Tunica pallio propior est*, that is every one for himselfe first; or according to our english proverb, Close sitteth my shirt, but closer sitteth my skinne. [k] This *tunica* was both narrower and shorter then the gowne: at first it was made without sleeues, afterward with sleeues, and by it, as well as by the gowne were the cittizens distinguished. The first sort of coats was made of white cloath commonly, [l] but purfled over and embroadred with studs of purple in mannet of broad nayle heads; whence it was called *Laticlavia*, or *Latus clavus*; and the persons wearing the coat were Senators called thence *Laticlavij*, The second sort belonged vnto the *Romane* knights, and it differed in making from the first, only that the purple studs or embroadred works of this, were not so broad as the former: whence the coat was called *Augusticlavia*, or *Augustus clavus*, and the persons wearing it were called *Augusticlavij*. The third sort belonged vnto the populacy and poorer sort of *Romans*; it was made without any purfled workes, being called *Tunica recta*. This coat was giuen together with the *Virile* gowne to striplings past sixteene yeares old, & to new maried women. And as the *recta tunica* was giuen with the *virile* gowne; so was the *tunica clavata* giuen togither with the *toga pretexta*; & the *Laticlavia* otherwise called *tunica palmata*, giuen with the *toga picta*. The fourth and last sort belonged vnto women, being a long coat reaching downe vnto the heeles; they called it *stolam*. Vpon it they did weare an outward garment [m] called *palli-*

[k] Sig. de iud. lib. 3. c. 20.

[l] Salmuth. in Pancirol lib. rerum deperdit. cap. de fibula. Vid Turneb. adverſ. l. 1. c. 2.

[m] Rosin. Ant. lib. 5. cap. 35.

um, and someti nes *palla*, *quia palam gestabatur*. n *Sigonius* faith, that this *palla* was a certaine gowne vsed by stage-plaiers: howsoever certaine it is, that not only women, but men also and children did weare this kinde of garment. Besides the *Romane* gowne & coat there remaine other parts of their apparell to be spoken of: such are these which follow, *Lacerna*, which some do English a cloake, but o *Festus* would haue it to be a little kind of hood, which men should weare to defend themselues from the raine & weather; It was made that either side might be worne outward; and at first it was worn only in warre, so that *lacernati* stood in opposition with *togati*. p *Isidorus Togatos pro vrbanis, lacernatos pro militibus vsurpatos scribit*. Afterward as we may coniect, it was made longer in manner of a cloake, for it was diuerse times worne vpon their coats insteede of gownes. Another kinde of garment was the *Penula*, so called *quasi pendula*, we may translate it a long hanging cloake. A thirde was called *Mitra*, which sometimes did signifie a certaine attire for womens heads, as a coife or such like; though this kinde of attire was more properly called *Calantica*: other times it signified a girdle, which more properly was called *zona*; This *zona* chiefly signified a souldiers belt, or a marriage girdle: The souldiers belt was lined within in the inside, where whē they went to warre, they did put their mony: whence *Horace* saith of a man that hath lost his mony, *zonam perdidit*, And ζώννυσθαι, to be girt, signifieth ἔνδυναι τὰ ὅπλα, *Arma induere*. *Cœl. Rhod. l. 22. 19.* happely becaus that part of the body which was girt, was consecrated to *Mars*, as the forehead was to every mans particular *Genius*, the armes to *Iuno*, the breast to *Neptune*, the reines to *Venus*, the feete to *Mercurie*, and the fingers to *Minerva*. *Alex. ab Alex. l. 2. c. 19.* Young maides when they were married were wont to haue a marriage girdle tied about their middle, which their husband at the first night of their marriage should vntie: whence *zonam soluere* hath beene translated to deflowre a Virgine: this marriage girdle

n Sig. de iud. lib. 3. cap. 19.

o Sigon. ib.

p Sigon. ib.

girdle in former times was called *Cestus*, from whence commeth the Latine word *incestus*, and the Englisſh word Inceſt: which in truth ſignifieth all kind of pollution committed by vndoing, or vntying this girdle called *cestus*: but now in a more ſtrict acception it ſignified only that kinde of naughtineſſe, which is committed betweene two of neere kin: q and that other folly which is committed with a ſtrangers wife, is now properly called *adulterium*, and that which is committed with a maide or widdow *ſtuprum*. The laſt thing touching their apparel is their ſhooes. r *Calceamentorum genera duo fuerunt, calceus, & ſolea*: For the ſoale of the ſhooe called in Latine *ſolea*, ſometimes *crepidula*, and in *Cicero* his time *gallica*, was tied on to the bottome of the foot with letherne ſtraps or buckles, and ſo worne inſteed of ſhooes: the diverſe kindes of theſe ſhooes did diſtinguiſh the *Romane* people alſo. To omit the difference in colours, wee may reduce the chiefe kindes to fiue heads, *Mulles, Vncenati, Perones, Cothurni, Socci*. All theſe ſorts of ſhooes were made halfe way vppe the legge, as the Turkiſh ſhooes are according to *Ioſephus Scaliger*: and they were either laced cloſe to the legge, as many of our bootes are now adaies; or claſped with taches or haſpes. The firſt ſort called *Mullei* s from the fiſh *mullus*, being like vnto it in colour, were alſo called from their claſpes *calcei* t *lunati*, becauſe the claſpes were made in forme of an halfe moone, which halfe mooned claſp reſembling a *Romane* C, ſignified an hundred, u intimating thereby that the number of the *Senators* (they only being permitted to weare this kinde of ſhooe) were at firſt a full hundred and no more. Others are of opinio that they woare this mooned claſp to put them in minde that the honour to which they had attained was mutable and variable as the moone. For they thinke that theſe *Lunati calcei* were not received as a token of Nobility only at *Rome*, but in other places, to which purpoſe they interpret that of the Prophet *Eſay*, *cap.* 3. *In die illo auſert Dominus ornamentum calceorum & lunulas. Cœl. Rhod. lect. Antiq.*

q Cœlius in orat. pro Milone.

r Roſin. ant. Rom. l. 5. c. 36.

s Salmuth in Pancirol. lib. rerum deperdit. cap. de fibula.

t *Appoſitam nigra lunam ſubtexit alutæ.* Iuuenal.

u Salmuth. in Pancirol. lib. rerum deperdit. cap. de fibula.

tiq.l.20.c.28. Uncinati calcei, were those, which the souldiers were wont to weare, I take them to bee the same with those which they called *Caliga*, from which kinde of shooes *C. Cæsar Caligula* had his name, because it was borne in the army. *Quia natus in exercitu fuerat, cognomentum calceamẽti militaris, id est, Caligula sortitus est. Aurel. Uict, Epitõ. de vita imperat. Perones* (as we may coniecture) were laced vp the legge, for *Tertullian* making but two sorts of shooes, saith there were the *Mullei* called from their clasps *lunati*, & the *Perones* made without such halfe mooned clapses, called also *calcei puri, quoniam ex puro corio facti*; and these *perones*, or *puros calceos* all the other *Romans* did weare[x] with this note of distinction, that the magistrats shooes were be set with precious stones, priuate mens were not. Thus much concerning both the kinds and fashion of the shooes may be collected out of *Rosinus* in the place aboue quoted. The description and vse of the *Cothurnus*, & *Soccus*, may be seene in the tract *de Romanis ludis*.

[x] Salmuth in Pancirol. lib. 2. tit. 20. c. de fibula.

LIB.

LIB. 3. SECT. 2.

Of the Romane Magistrats.

CAP. 1.

De Magistratibus Romanis.

WE being to treate of the *Romane* Magistrats will first see what the definition of a Magistrate is. A magistrate is he [o] who receaveth by publique authority, the charge and oversight of humane affaires belonging to the common wealth. These *Romane* Magistrats were either to be chosen only out of the better sort of *Romanes*, called the *Patricij*, or else only out of the commonalty. [p] The first were thence called *Magistratus patricij*, the second *Magistratus plebey*. The *Patricij* had power to hinder the assēblies of the people; namely their *Comitia*, by observing signes and tokens fro the heavens: howbeit some of them had greater power, others lesse; insomuch that some were called *Maiores Magistratus, quoniam habebant maiora auspicia, id est, [q] magis rata*. Others were called *minores magistratus, quoniam habebant minora auspicia*. Of these in their order.

o Sig. de iur. Rom. l. 1. c. 20.

p Sig. de iure Provinc. l. 3. cap. 1.

q Feneſt. de Magiſt. Rom. cap. 1.

CAP. 2.

Cap. 2.

De Rege & Tribuno Celerum.

IN the infancy of *Rome*, it was governed by a king vnto *Tarquinius Superbus* his time, who by maintaining that ſhamefull act of his ſonne towards *Lucretia*, did ſo incenſe the people, that they did not only for the preſent exile him, but decreed that their city ſhould never after that bee governed by a king. This king had abſolute rule and government over the citty. For the ſafety of his perſon he had three hundred choſen young men alwaies to bee attendant about him, much like vnto our Kings Maieſties Guard here in *England*, or rather his *Penſioners*. They were called [r] *Celeres à celeritate*, from their readineſſe in aſſiſtance: ſometimes they were called *Troſſuli*, [s] becauſe they alone without the helpe of any foot-men did take a certaine citty in *Etruria* called *Troſſulum*. Other times they haue beene called *Flexumines*, whereof as yet there hath beene no certaine reaſon rendred. Each hundred of them had their ſeverall overſeer called *Centurio*: and over them all there was one generall overſeer, and chiefe commander, whom they called *Præfectum vel Tribunum Celerum*, his place being next to the king. A ſecond ſort of attendants about the king were called *Lictores à ligando*, according to that, *Lictor colliga manus*. They were by the *Grecians*, called ῥαβδοῦχοι, which we may render Virgers from ῥάβδος a rodde, and ἔχω, to haue: though ſometimes ῥαβδοῦχοι doe ſignifie the ſame as ῥαψῳδοὶ. The rehearſers of *Homers* verſes, or in generall of any other *Poets*: ὁ δὲ ῥαψῳδὸς ᾠδὴν, from patching together other mens Poems. For the reciters of *Homers* verſes were wont to hold a rod or wand in their hand during the time of rehearſall. *Cœl. Rhod. l. c.* 29. They did ſomewhat reſemble our Seriants, there being in number twelue of them. Their office was to carrie certaine bundels of birchen

[r] Plutarch. in Romulo.

[s] Plin. lib. 33. cap. 2.

birchen rods with an axe wrapped vp in the midſt of them: the rods in Latin ware called *Faſces*, the axe *Securis*. The reaſon why they carried both axes and rods was to intimate the different puniſhment that belonged to notorious and petty malefactors. The reaſon why they were wrapped vp together was not only that they might thereby be more portable, but that the anger of the magiſtrats might be ſomewhat allayed, whiles they were vnbinding. Hence, becauſe theſe *Faſces virgarum & ſecurium*, did betoken honour and chiefedome in place and authority, by the figure *Synecdoche* this word hath beene vſed to ſignifie honour and dignity, as *Faſcibus ſuis abrogatis*, he being diſcharged of his magiſtracie or dignity. And *Faſces ſubmittere* to giue place, or yeeld vnto. *Valerius Publicola* gaue the occaſió of the proverb. He to inſinuate himſelfe into the harts of the people is ſaid, *Submittere faſces populo quoties prodiret in concionē*. Some interpret it, as if he were wont to command the ſeriants quite to depart out of the aſſembly with their rods, which opinion *Plutarch* in *Publicola* confuteth writing thus: *δυτὸς τὰ ῥάβδους ὅτι ἐκκλησίαν ποιεῖν, ὑφῆκε τῷ δήμῳ, καὶ προέλετο. Faſces ipſos in concionem progreſſus populo ſubmiſit inclinavitq́*. So that the phraſe ſignifieth properly, the not holding vp of the rods, or rather the laying them downe as it were at the feete of the people. *Cal. Rhodig. l. 12. c. 7.*

t Ioac. Camerarius in orat. pro Flacceo.

Immedicabile vulnus Ense recidendum, &c.

Cap. 3.

De Senatu, & quis Princeps Senatus, & qui Senatores Pedarij?

TOuching the election of the *Senators*, the number of them, and the diſtinction of them into *Senatores maiorum & Senatores minorum gentium*, ſufficient hath beene delivered in the ſecond diviſion of the *Romane* people; as likewiſe in the third diviſion hath beene ſhewne the habit

or gowne by which the *Senators* were distinguished from the *Roman* Gentlemen. Here therefore it shall be sufficient for vs to vnderstand, that every solemne meeting, or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other then such, as had been either *Consul* or *Censor*, was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had borne those foresaid offices, it was in the *Censors* power to make whom he would fore-men. The decree of this consistory was called *Senatus-consultum*. And many times it is written with these two letters onely, S. C. In like manner their preface to these decrees was commonly these two capitall letters B. F. That is *Bonum factum*. *Sueton. Iul. Cæs. cap.* 80. and it had the same vse as, *In nomine Dei* with vs. The place where this cōsistory was had they called *Senaculum*, None was [a] ordinarily admitted into the place of a *Senator*, before the fiue and twentieth yeare of his age: and of those that were admitted, some were allowed to ride vnto the Senate-house in a Curule-chaire, namely when they had borne such office, which gaue them right vnto that chaire: others which had not born such office went on foot: [x] whence these latter were called *Senatores pedarij*. They determined their acts which they called *Senatus-consulta*, sometimes by departing down their branches, & dividing themselues into sides; those which did approue that which was proposed, sided with the party who did *Referre ad Senatum*, that is, propose the matter vnto the Senate; the others departed vnto the contrary side; or if they came not downe at all, but sate still on the benches, then did they signifie by holding vp, or beckning with their hands, what side they would take. Now if the maior part were easie to be discerned, then they rested there, tearming that act to be decreed [y] *per discessionem*: and hence these and the like phrases haue taken their beginning, *In illius sententiam iturum sum*, and *Manibus pedibusq; discedere in alicuius sententiam*, that is to be fully perswaded of ones opinion. Now if both com-

[a] Mart. Phileticus, in Cic. l. 1. ep. fam. 1.

[x] Mart. Phileticus ibid. It. A. Gel. noct Attic. l. 3. c. 18.

[y] Hubert. in Cic. lib. 1. ep. fam. 2.

companies were almost equall, so that the maior part could not easilie be discerned, then did they proceed to giue their voices. and that which was thus determined was said to be decreed, *per singulorum sententias exquisitas*, that is, by voices Here we may obserue that to those, who were favourably heard in *Senate*, *His senatus dari dicebatur*; and [z] likewise they were said, *Stare in Senatu*: as on the contrary they were said *lacere*, whom the *Senate* neglected or rather condemned. [a] *Cum mihi stanti iacens minaretur*, saith [b] *Tully*. If anie Senator were absent without a lawfull excuse, then was hee fined; and for the payment thereof, he did put in a pledge, which if he did not ransome, then did the common Treasurer *Cadere uel concidere pignora*, that is, straine or seaze vpon the pledges, making common sale thereof, in which sense those two phrases are vsed, namely, *capere pignora*, & *auferre pignora*, that is, to straine or seaze vpon a mans goods.

[z] Ascensius in Cic l.1. epist. fam 4.

[a] Cic. orat. de arusp. respon.

[b] Rosin. antiq. l.7.c.7.

Cap. 4.

De Consulibus.

After the expulsion of *Tarquinius Sup.* the last *Romane* King, all the citizens in *Rome* assembled, and concluded that the governement of the cittie, which before was in the hand of one alone governour, called their King, should now be divided betweene two: [c] who at first (before there was any such subordinate office as a *Pretorship*) the *Romanes* called *Pratores*, *quod præirent populo*. Not long after they were called *Iudices*, *à iudicando*. In processe of time they were knowne by no other name then *Consules à consulendo populo*. [d] No citizen, was ordinarily created *Consul* before the fortie thirtd yeare of his age. Neither might any be chosen without speciall dispensation, either of their absence out of *Rome*, [e] or in time of their triumph; which was the reason that *Iulius Cæsar* was glad to forgoe his triumph at

[c] Rosin. ant. Rom. l.7.c.9.

[d] Cic. orat. Phil 5

[e] Suet. Iul. Cæs. cap 18.

that time when he was Consul with *Bibulus*. The signes or tokens of this *Consular* dignity were the twelue *Lictors* carying their bundles of rods and axes [f] the first month before one *Consul*, and the second before the other, as formerly they had done before the Kings. [*] Now he that had the rods caried before him in the first month, either he had more children then the other, for the *lex Iulia* gaue precedency to him who had most children, or he was elder then the other, or in time of the election he was pronounced before the other, for which respects hee was called *Consul maior*, and *Consul prior*. [g] The reason why each *Consul* had not twelue *Lictors* alwaies, was because the tyranny of the *Consuls* might then seeme to be doubled and to exceed the tyranny of the Kings: another token was a certaine chaire of estate called *Sella eburnea*, that is, an yvorie chaire, so called from the matter whereof it was made, & [h] because this chaire was commonly carried about in a certaine coach or chariot, wherein the *Consul* did ride, hence from *Currus* which signifieth a chariot it is also called *Sella curulis*: where [i] note that the word *Curulis* is sometimes vied substantiuely: and then it signifieth some chiefe magistracy or office amongst the *Romans*. The gowne, by which they were distinguished from other magistrats or priuate men, was a certaine purple gowne, which from the great embroadred workes was called *Trabea*, and he that did weare it was thence called *Trabeatus*, according to that, *Trabeati curæ Quirini*. It will be worth the obseruation to note, that the *Romans* did date their deeds and charters in old time, by naming the yeare wherein their citie was first founded; as to say *Ab vrbe condita* the twentieth thirtieth, or fortieth yeare, &c. But in processe of time their manner of dating was by subscribing the names of their present Consuls: as to say, such a thing was determined *L. Valerio. M. Horatio Consulibus*, such and such being *Consuls*. Whence *Suetonius* speaking of *Iulius Cæsar*, saith, he was appointed to be *Flamen Dialis*, *sequentibus consulibus*, that is, the

[f] Alex. Gen. dier l. 3 c 3.
[*] Cæl. Rhod. lib. 12. c 8.
[g] Feneſt. de magiſt. Rom.
[h] A. Gell l 3. cap. 18.
[i] Stadius in Flor. l. 1. c. 5.

the next yeare following. Yea this was so common a date that to know the age of their wines they signed their vessels with the names of their *Consuls*, adding withall, that they might know the goodnesse of their wine, the name of the country whence it came, according to that of *Iuvenal. sat.* 5.

---Cuius patriam, titulumq; senectus
Delevit multa veteris fuligine testa. *Turn. adv. l. 1. ca. 1.*

Those alone who had borne the office of a *Consul*, not everie one that was capeable therof, were said to be *Viri consulares.*

k At the first those who were created *Consuls* remained in their office the space of an whole yeare, being *designati ad cõsulatum* vpon the twenty fourth of October.l *Ad consulatum non inierant ante Calendas Ian.* that is, the first of *Ienuary.* The reason of this chasme, or *interim* between their designation vnto their office, and their entrie into it, was (as we may probably coniect) that the competitours might haue some time to enquire *de Ambitu*, that is, whether there was no vndirect and vnlawfull meanes vsed in their canvasing. In processe of time either by voluntary resignation or deposition or death many *Consuls* haue beene chosen in the same yeare, & they were called m *Nonordinarij & suffecti Consules.* At such times all their deedes were dated by the names of the 2 first *Consuls* which beganne the yeare: whence those two first, and likewise all those that continued in their office the whole yeare were called n *Consules Honorarij*, and *Consules Ordinarij.*

k l. Tiſtinus in orat. Cic. pro Cœlio.

l P. Ramus in orat. Cat. 1.

m Fr. Sylvius in Cic. Orat. pro Muræn.

n Rosin. ant. Rom. l. 7. c. 9.

Cap. 5.

De Censoribus.

THE *Consuls* finding them selues encombred with so many businesses of a different nature, did by consent of the *Senate* choose two peculiar officers called o *Censores à censendo*; because they cessed and valued everie mans

o Feneſt. de magiſt. Rom. cap. 17.

mans eſtate, regiſtring their names, and placing them in a fit centurie. For it did concerne the *Romanes* to know the number, and likewiſe the wealth of the people, to the end they might be informed of their owne ſtrength, and ſo ſhape their courſe accordingly, either in vndertaking warres, tranſplanting Colonies, or in making proviſion of victuals in time of peace. A ſecond and maine part of their office was in reforming mãners, to which end they had power to enquire into every mans life. This part of their authority was noted out vnto vs by this phraſe, being called *Virgula cenſoria*. If anie one had played the ill husband, & neglected his farme, or left his vine vntrimmed, the *Cenſors* tooke notice thereof. They did *Senatu* & *Tribu movere*, that is, they did depoſe Senators and pull downe men from a more honourable tribe, to a leſſe honorable. *Diminutio maxima* was the loſſe of ones Tribe, cittie, and freedome. Theſe *Cenſors* were reputed of the beſt rancke of Magiſtrates in *Rome*: they remained in their office an whole fiue yeares ſpace ordinarilie. I ſay ordinarily, becauſe [r] through the abuſe of their place, the office hath beene made ſometimes annuall. [f] That fiue yeares ſpace the *Romanes* did call *Luſtrum*, becauſe they did once in everie fiue yeares revolution *Luſtrare exercitum Romanum*, by ſacrifice purge the *Romane* army. Hence we ſay *duo Luſtra*, 10 yeares; *tria Luſtra*, 15 yeares, &c. The performance of this *Luſtration* belonged alſo vnto the *Cenſors*: for after the *Cenſors* had performed the one part of their office, in regiſtring the iuſt valuatiõ of every citizens eſtate, [t] they did lead a Sow, a Ram and a Bull, three times about the army, and in the end ſacrifiſed them to *Mars*: and thus to purge an army, is *condere Luſtrum*; though ſometimes *condere Luſtrum* doth ſignifie, to muſter an army. Theſe ſacrifices, as likewiſe all others of the like nature, that is, wherein there was a Sow, a Ramme, and a Bull ſacrificed, were tearmed ſometimes [u] *Suovetauralia*, ſometimes *Solitauralia*, ſometimes [x] *Taurilia*. Moreover it did belong vnto theſe *Cenſors* to farme out the tributes

r Feneſt. de Rom. magiſt. cap. 7.
f Pomp. Læt. de Rom. mag. c. de Cenſor.
t Pancirol. lib. rerum deperd c. de cibi capiendi modo.
u Alex. Gen. dier. l. 5. c. 27.
x Pomp. Læt. de mag. Rom. c. de Cenſor.

butes, impostes, tollage, &c. y At the fiue yeares end, the acts of both their *Censors* were registred vpon bookes of record, which records were laid vp in a certaine religious house dedicated to the *Nymphs*. Whence z *Cicero* speaking of *Clodius* saith, *Qui eadem Nympharum incendit, vt memoriam publicam incensis tabulis publicis impressam aboleret.*

y Pancirol. Iterum deperd. cap. de cibi capiendi modo.
z Cic. pro Milone.

Cap. 6.

De Praetoribus.

THE *Consuls* by reason of their many troubles in warre, having no time to administer iustice vnto the *Romane* people, did for their better helpe therein, create two new officers for the executing of iustice; the one to examine and iudge of matters within the cittie, betweene citizen, & citizen; the other to decide controversies between forreiners: The first they a called *Praetorem vrbanum*, & *Praetorem maiorem*; the other *Praetorem peregrinum*, & *Praetorem minorem*: we may english them Lord-chiefe-Iustices. Where we must note that at the first there was only the *Prator Vrbanus*, vntill the cases and suits in law became so many, that one was not sufficient to heare them all: b yea at last the number of the *Praetors* came to sixteene: namely, when those two were added for the providing of corne and graine: whence they were called *Praetores cereales*; c nay there were at last eighteene *Praetors*, there being two others added to iudge of controuerfies touching feofmets of trust, called thence *Praetores fidei commissarij*. d *Causarum duo genera sunt: alia priuata, alia publica, has criminosas, illas ciuiles appellant.* In those cases which were private, that is, e touching equity and vprightnes of any act, or the restitution of any mony, or goods vnlawfully detained from the right owner, it belonged principally vnto the f two first *Praetors* to iudge, g but vnder them vnto the *Centumviri*, who oftentimes are called by *Tully*, *Recuperatores*

a Pighius Aequipet. comp.
b Alex. Gen. dier. l. 2. c. 15.
c Feneſt. de mag. Rom. c. 19.
d Fr. Sylvius in orat. pro Murzn.
e I. Saxonius in Cic. orat. pro S. Roscio.
f Rosin. ant. lib. 7. ca. 11.
g I. Saxonius ibid.

cuperatores, and *Iudices hastæ*; the court *Hasta centumviralis*; becauſe one of the markes and ſpeciall enſignes was a ſpeare erected vp in the place the court was kept. Thoſe caſes which were publique or criminal, as treaſon, murder, bying of voices in the canvaſing of offices, &c. were called alſo *cauſa capitalis*, and *capitis dimicatio*, that is, [h] ſuch caſes wherein if the party accuſed had beene found guilty he was *capita damnatus*: by which phraſe we muſt not vnderſtand alwaies *Vltimum ſupplicium ſed aliquando exilium, quo ſcilicet caput*, that is, *civis eximitur à civitate*. [i] Theſe caſes at the firſt were heard by the Kings and *Conſuls*; afterward by certaine appointed therevnto by the people, being called from their inquiſition *quæſitores parricidij*. In continuance of time the examination and hearing of theſe publique caſes was turned over vnto certaine Magiſtrates, who becauſe they were to continue their office a full and entire yeare (whereas the others had their authority no longer then they ſate in iudgement) were thence for diſtinction ſake called *Prætores Quæſitores*, and the caſes were tearmed *Quæſtiones perpetuæ*: [k] becauſe in theſe caſes there was one ſet forme of giving iudgement perpetually to remaine; whereas in thoſe private or civill cauſes the *Prætor* did commonly every yeare change the forme of giving iudgement by hanging vp new edicts. [l] Here we muſt note that theſe *Quæſitores Parricidarum*, otherwiſe called *Prætores Quæſitores*, had not the examination of all publike caſes, but ſometimes vpon extraordinary occaſions either the *Conſuls*, the *Senate*, or the people themſelues would giue iudgement. Now as thoſe former *Prætors* had a ſpeare erected vp, whereby their court for private cauſes was knowne; ſo had theſe *Quæſitores* a ſword hanged out in token of their court. [m] *Prætorum inſignia duo fuere, haſta, & gladius; illa ad iuriſdictionem, hic ad quæſtionem ſignificandam.* The officers which did attend theſe *Prætors* were *Scribæ*, that is, certaine notaries much reſembling the Clarkes of our Aſſiſes, their office being to write according as the *Prætors*

or

[h] Fr. Sylv. in orat. p. o Mur.

[i] Roſin. ant. lib. 9. c. 18

[k] Roſin ant. lib. 7. c. 11.

[l] Roſin. ant. lib. 6. c. 18.

[m] Sig. de iud. lib. 1. cap. 7.

or chiefe Iustices did bid them, taking their name *à scribendo*. The second sort were called *Accensi ab accicndo*, from summoning, because they were to summon men to their appearance. They much resembled our Bayliffes errant. The third sort were *Iictores* of which before. [n] The authority of the vrbane *Prator* was so increased in time, yea his honour was such, that whatsoeuer he commanded, it had the name of *Ius honorarium*. [o] Others are of opinion, that onely the *Prators* edict was that *Ius honorarium*; [p] the *Prator Vrbanus* being wont at the entrance into his office, to collect a set forme of administration of iustice out of the former lawes & seuerall edicts of former *Prators* according vnto which hee would administer iustice all the yeare following. And least the people might be ignorant of the contents thereof, he caused it to be hanged vp to the publike view. This forme of iustice was tearmed *Edictum ab edicendo, id est, imperando*, because thereby he did command, or forbid something to bee done. Whence *Pellitarius* in the place now quoted doth translate *consultum edicta*, Mandatory letters, that it might be distinguished from other Magistrats edicts. It was commonly called *Pratoris edictũ*. And as *Pighius* obserueth in the place aboue quoted, it was called *edictum perpetuum*; not absolutely, because the vertue thereof was perpetuall (for that expired togerher with the *Prators* office and therefore *Tully* calleth it *legem annuam*:) but in respect of others edicts made in the midle of the yeare vpon extraordinary and vnexpected occasions, which lattrer sort of edicts [s] *Tully* calleth *peculiaria & noua edicta*. Afterward, [t] *Salvius Iulianus* collected an Edict out of all the old edicts of the former *Prators*, wherein almost all the whole ciuill law was contained, and this was called properly *Edictum perpetuum*, because that all the *Prators* ever after did administer iustice according to the Edict, by the appointment of *Hadrianus* being then Emperour. The edict being giuen out, the administration of iustice consisted in the vse of one of these three words, *Do, Di-*

n Fenest de Rom. magist. cap 19.
o P. Pellit in Cic. orat pro A Cœcinna.
p Pighius Æquipet. comp
q Pellit. in Cic orat, pro A. Cœcinna.
r Cic. in Ver.
s Cic. in Ver. 3
t Sig. de iud. lib. 1. cap. 6.

co, & *Addico*, id est, [a] *Dat actionem*, *Dicit ius*, *Addicit tam res quàm homines*. That is, he is said *Dare*, when he granteth out an action or writ against a man. *Dicere* when hee passeth iudgement on him, and *Addicere* when he in the court doth see & allow the delivery of the thing, or the person on which iudgment is passed. The forme of Addiction was thus. After iudgement had beene pronounced in the court the partie which prevailed, laid his hand on the thing or the person against which sentence was pronounced vsing this forme of words, *Hunc ego hominem, sive hanc rem, ex iure Quiritium meam esse dico*. Then immediatly did the Chiefe Iustice *Addicere*, that is approue the challenge, and grant a present possession. *Anton. in Past. lib.* 1. For explanation whereof wee must know, that this word *Addico*, is sometimes *verbum Augurale*, sometimes *Forense*, sometimes a tearme of art belonging vnto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and lucky token, that the matter consulted about is approved by the Gods; the opposite herevnto is *Abdicere*. Sometimes this verbe *Abdico* is a tearme of law signifying as [x] much as to deliver vp into ones hands, or into ones possession: whence we doe not only call those goods that are delivered by the *Prator* vnto the right owner *bona addicta*, but those debtors also which are delivered vp by the *Prator* vnto their creditours to work out their debt, are tearmed *servi Addicti*: yea moreover because in all port-sales it was necessarie that the *Prator* should *Addicere bona* deliver vp the goods solde: hence doth this word often signifie to sell, as *Addicere sanguinem alicuius*, to take money to kill a man, to sell a mans life. Touching the reason of their name, they were called *Praetores à praeundo quoniam iure praibant*. And [y] those alone were properly tearmed *viri prætorij*, which had borne this office, not they which were capeable thereof: in the same sense we say *Viri censorij*, and *viri Ædilitij*, &c.

[a] l. Camerar. in Cic. orat. pro Flacco.

[x] M. Toxita in orat. pro Pub. Quint.

[y] Fr. Maturantius in Philippic. 13.

CAP.

Cap. 7.

De Imperatoribus, Cæsaribus, sive Augustis.

When *C. Iulius Cæsar* had overcome *Pompey* his sonnes in *Spaine*, at his returne to *Rome* the *Senate* welcomed him with new invented titles of singular honour, styling him *Pater patriæ*, *Consul in decennium*, *Dictator in perpetuum*, *Sacrosanctus* and *Imperator*, all which titles were afterward conferred vpō *Octavius Cæsar*, and all the Emperours succeeding desired to be called *Imperatores & Cæsares* from him. Where we must vnderstand that this name *Imperator* was not altogether vnknowne before, for by that name the *Romane* souldiers were wont (even at that time) to salute their L. Generall after some speciall conquest. [2] These *Romane* Emperours were afterward called also *Augusti* from *Octavius Cæsar* whom when the Senate studied to honour with some noble title, some were of minde that he should be called *Romulus*, because he was in manner a second founder of the citie. But it was at length decreed by the advise of *Manutius Plancus*, that he should be styled by the name of *Augustus*: which wee may English Soueraigne, and they counted this name of more reverence and maiestie then that former name of *Romulus*, because all consecrated and hallowed places were called *Loca augusta*. The authority of these Emperours was very great, even as great as the Kings in former times.

[2] Serv. Æn. l. 6

Cap. 8.

De principibus iuventutis Cæsaribus, & nobilissimis Cæsaribus.

[a] Rosin. ant. l. 7. c. 13.

A [a] custome was receaved amongst the *Romane* Emperours in their life time to nominate him whom they would haue to succeede them in their Empire; & him they called *Princeps iuventutis*, *Cæsar*, & *Nobilissimus Cæsar*. The like custome was practised by *Charles* the fifth Emperour of *Germany*, and so hath beene continued by his successours; namely, that one should be chosen whom they called *Rex Romanorum*, who should bee so farre invested in the title to the Empire by the meanes of the present Emperour, that vpon the death, resignation, or deposition of the then being Emperour, he immediatly should succeed.

Cap. 9.

De Præfecto vrbis.

Romulus for the better governement of the citty appointed a certaine officer called *Vrbis Præfectus*, to haue the hearing of all matters or causes betweene the master and the servant, betweene orphanes and their overseers, betweene the buyer and the seller, &c. Afterward in time of the *Roman* Emperours, this *Vrbis Præfectus* did assume vnto himselfe such authority, that hee would examine and haue the hearing of all causes, of what nature soever, if they were *Intra centesimum lapidē*, within an hundred miles of *Rome* (for [b] *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a marke-stone was erected) In the absence of the King or Consuls, he had all authority which belonged vnto them resigned vnto him. I am

[b] Dospantecius in his synaxi.

not

not ignorant, that ſome doe make this latter kinde of Preſecture, or Lieutenantſhip, a different office from the former. But I ſhould rather thinke them to be one and the ſame, only his authority to be more enlarged in the Kings abſence, and of this opinion doe I finde *Feneſtella*, *Alexand. Neopol.* and [c] *Sigonius.*

[c] Sig. de iure Rom. l. 1, c. 20.

Cap. 10.

De Decemviris legibus ſcribendis.

FOR the better adminiſtration of iuſtice: the [d] *Romans* appointed three men, namely [a] *Sp. Poſthumius*, *Ser. Sulpitius*, *A. Manlius*, to goe to *Athens*, and other *Grecian* cities, there to perſe the *Grecian* lawes: to the intent that at their returne, both a ſupply might be made of thoſe lawes that were wanting in *Rome*, and the other which were faultie, might thereby be rectified and amended. At the returne of thoſe three men, the *Conſuls* were depoſed, & both their authority and enſignes given vnto [b] ten men newly elected for the governement of the ſtate, & were thence called *Decemviri*. The firſt elected into this Decemvirat were, *Ap. Claudius*, *T. Genutius*, *P. Sextius*, *Sp. Veturius*, *C. Iulius*, *A. Manlius*, *Ser Sulpitius*, *P. Curiatius*, *T Romulus*, *Sp. Poſthumius*. All of them ſuch as had borne the office of a *Conſul*. The lawes which they brought from *Athens* were written at firſt in ten tables of braſſe: afterward two other tables were added at which time thoſe lawes began to be knowne and diſtinguiſhed from others by the name of *Leges 12 tabularum* And according to thoſe lawes iuſtice ever after was adminiſtred to the *Roman* people: at firſt by theſe ten men appointed therevnto, whoſe authority was as large even as the *Kings* and *Conſuls* in old time, only it was annuall, one of them only had the enſignes of honor earned before him; one alone had the authoritie of convocating the Senate con-

[d] Fenaſt. de magiſt. Rom. cap. 14.

[a] Roſin. lib. 7. cap. 9.

[b] Lipſ. Rog. Leg.

confirming their decrees, and the discharge of all state busi-
e Rosin. ant. Rom. l. 7. c. 19. nesses. e The other did little differ from private men in their habit; only when the first had ruled a set time, the others succeeded by turnes. This kind of goverment did not continue long in *Rome*, for in the third yeare all their power was abrogated, beeause of their tyrannie and oppression vsed by them towards the Romane people.

Cap. 11.

De Interregia potestate.

f Dion. Halic. l. 2. AFTER the death of *Romulus* f the *Senators* divided themselues into seuerall companies called *Decuriæ*, committing the governmēt of the kingdome to that *Decury*, that is to those ten men, vpon whom the lot fell, calling them the *Interreges*: where we must know, that these ten did not rule altogether, but each man ruled for the space
g Rosin. lib. 6. cap. 16. of fiue daies, whence g *Rosinus* calleth this magistracie *Magistratum quinquedunum*. After that fiue daies government had passed through the *first*, then did they go to lots to haue a second *Decury* chosen, and so a third, &c. This office of an *Interrex* remained evē in the *Consuls* time, so that if by some extraordinary occasion the *Consuls* could not bee created
h Alex. Gen. dier. l. 5. c. 6. h then they chose one, to whom alone they committed the whole governement of the kingdome, and him they called *Interregem*.

Cap. 12.

De Dictatore.

WHensoever the *Romanes* found themselues encumbred with dangerous warres, or any other eminent dangers, they presently chose a *Dictator*,

to

to whom alone was committed the authority and rule of the whole kingdome, differing from a King only in reſpect of his name, and the continuance of his office. Touching his name he was ſo called, *quoniam dictis eius parebat populus.* His office continued but ſixe months, and at the expiration thereof, if need required, hee was choſen againe for another ſix months. He was alſo called [i] *Populi Magiſter*, in as much as none could make their appeale from him vnto the people. As ſoone as himſelfe was eſtabliſhed in his office, he choſe a ſubordinate officer whom hee called [k] *Equitum Magiſter*: his authoritie much reſembled his, whom they called *Vrbi Prefectum*: for as the *Prefectus vrbi* in the abſence of the king, ſo this *Magiſter equitum* in abſence of the *Dictator* had full and vncontroleable authoritie of doing what he would.

[i] Pighius in Tyran.

[k] Stadius in Flor. li. 1. c. 11.

Cap. 13.

De Tribunis militum.

THeſe [l] military *Tribunes* were of two ſorts. The one had all power and authority, which belonged vnto the *Conſuls*; and thence were called *Tribuni militum conſulari poteſtate*. The occaſion of them was this: The protector of the commons called *Tribuni plebis*, did earneſtly labour that the commonalty might be made as capeable of the conſular dignity as the Nobilitie: [m] This was followed ſo hot, that in the end though the Nobilitie would not grant them way vnto that dignity vnder the name of *Conſuls*; yet in effect they would graunt it them. Namely the *Conſuls* ſhould be depoſed, & in their ſteed other magiſtrates ſhould be choſen; part out of the Nobility, part out of the commonalty, who though they were not called *Conſuls*, but *Tribuni* yet were they of *Conſular* authoritie: by which they were diſtinguiſhed from the other ſort of Militarie *Tribunes*, who had power and authority only in matters military, and were knowne

[l] Roſin. ant. lib. 7. c. 20.

knowne by the name of *Tribuni militum* without any addition. [n] Sometimes there was one of these three words prefixed, *Rutuli* or *Rufuli*, *Suffecti* and *comitiati*; not thereby to intimate vnto vs any distinction of office or place, but to signifie their manner of election. For if they were chosen by the *Consules*, then were they called *Tribuni Rutuli*, or *Rufuli* because they had their authoritie confermed vnto them by vertue of an act or law preferred by *Rutilius Rufus*, whenhe was *Consul*. If they were chosen by the souldiers themselues in their campe, then were they called *Tribuni suffecti* that is, *Tribunes* substituted or put in the place of another. Whence wee may coniect, that the souldiers were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from them by some violent or vnnaturall death. The last sort called *Comitiati*, were so called because they were chosen by the Roman assemblies called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether we vnderstand the Consular *Tribunes*, or this latter sort) there were but three of each. In processe of time notwithstanding I finde the number not only of those *Consular Tribunes*, [o] but of those other also to haue beene encreased to six, accordingly as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of their military discipline, which was to see the souldiers being faultie to be punished, we may english **Knights Martiall**: In respect that their authoritie was over foot-men only we may english them **Seriants maior**: only this difference there was, to every thousand of foot-men in any legion, there were as many military Tribunes vnder their chiefe commander called *Imperator*. But in our english armies there is but one **Seriant maior**, who a lone vnder the L. Generall hath command over all the foot-men, bee there neuer so many thousands.

n Alex Gen. dier. lib. 6. c. 18

o Rosin antiq. lib. 7. cap. 20.

CAP.

Cap. 14.

De Triumviris Reipub: conſtituendæ.

THis tyranny of the *Triumviratus* beganne by a conſpiration betweene *Auguſtus Cæſar*, *Antonius*, and *Lepidus*. For theſe three vnder the pretence of reuenging *Iul. Cæſar* his death, obtained chiefe power and authority for the ſpace of fiue yeares throughout *Rome*, [p] pretending that they would ſettle the common wealth, which at that time by reaſon of *Iul. Cæſars* death was much out of order. Thoſe fiue yeares being expired, they refuſed to reſigne their authority, exerciſing exceſſiue crueltie towards all the *Romans* of what degree ſoeuer. [q] This kinde of gouernment remained but ten yeares, neither euer were there any other then thoſe three aboue named. They had power to enact any new law, to reuerſe any former Act, without the conſent of the *Senate*, or commons. They might proſcribe and baniſh any *Roman* at their pleaſure, and as often as we read *de Triumviratu* ſimply without any adiunction, or *de Triumviratu Senatus legendi*, wee are to vnderſtand it of this, though ſome vpon vnſure grounds doe diſſome them.

[p] Feneſt de mag Rom. cap. 21.

[q] Suet. Octav. Aug. cap. 27.

Cap. 15.

De Quæſtoribus ærarij.

THis office of the *Quæſtors* ſeemeth not vnlike to a publique Treaſurers, which collecteth the ſubſidies, cuſtomes, mony, yearely reuenues and all other paiments be onging to any ſtate or corporation. And hence [r] *quoniam publicæ pecuniæ quærendæ præpoſiti erant*, they took their name *Quæſtores*: Sometimes they are called *Quæſtores Vrbani*, to diſtinguiſh them from the prouinciall *Quæſtors*, which

[r] Feneſt de Rom magiſt. cap 3.

which bare office in the *Roman* Provinces: ſometimes they are called *Quaſtores ararij*, to diſtinguiſh them from thoſe that were called *Quaſtores parricidij*, or *rerum capitalium*, of which you may ſee more in the tract *de praturibus*. [f] Laſtly they were called *Quaſtores ararij*, to diſtinguiſh them from the *Tribuni ararij*, that is, thoſe Martial treaſurers, or Clarks of the band, which did receaue the ſouldiers pay from theſe citty treaſurers, and ſo pay it to the ſouldiers. The office of thoſe city-Treaſurers (then being at firſt but two) was to receaue all the city accounts; to diſburſe at all occaſions of publique expenſes; to take an oath of him that the ſouldiers had ſaluted by the name of *Imperator*, that he had truely informed the *Senate* both of the number of enimies ſlaine, as alſo of the number of citizens loſt: otherwiſe he might barre the Emperour of his triumph. Moreover whatſoever ſpoiles were taken in warre, they were delivered vp vnto theſe city-*Quaſtors*, and they ſelling them, laid vp the mony in the great Treaſure-houſe called *Ædes Saturni*.

[f] Sig. de iure Rom. l. 2. c. 8.

Cap. 16.

De Tribunis Plebis.

THE [t] *Roman* commonalty finding themſelues oppreſſed by the wealthier ſort, departed vnto the *Aventine* mount, threatning the *Roman* nobility, that they would forſake their city, and never againe adventure themſelues in warr for the defence thereof, vnleſſe they did finde ſome releaſe and eaſement, from thoſe exceſſiue payments of vſe & intereſt vnto their creditours: yea beſide the remiſſion of their preſent debts, before they would returne vnto their city againe, they would haue certaine magiſtrates choſen, which ſhould be [u] *Sacro-ſancti*, that is, ſuch as might not be hurt or violently vſed, not ſo much as in words: and if any had violated that law, whereby they were made *Sacro-*

[t] L. Roſa in. Epit. rerum, Rom.

[u] Roſin. ant. l. 7. c.

ſancti

ſancti, then was he accounted *homo ſacer*, that is, and excommunicate perſon, or ſuch an one whoſe ſoule ſhould bee vowed vnto ſome God; inſomuch that if any after had killed him, he ſhould not be liable vnto iudgement: [x] *quoniam illius anima diis devota amplius humani commercij non ſit.* To thoſe [y] magiſtrats the protection of the commons was committed who becauſe they were at firſt choſen out of the *Military Tribunes*, therefore did they alwaies retaine the name of *Tribunes*, being called that they might be diſtinguiſhed from the others, *Tribuni Plebis*, Protectours of the commons. At the firſt inſtitution of them they were in number but two, as [z] ſome haue thought: [a] Others ſay fiue: afterward (as it is yeelded by all writers) they increaſed vnto ten, Their authoritie at firſt conſiſted chiefly in this, that they had power to hinder any proceedings in the *Senate*, which they thought might proue preiudiciall vnto the commons, ſo that they had not authority to enact any new decrees, as afterward by abuſing their authority they did. [b] *Sed eorum autoritas magis in intercedendo, quàm iubendo.* And hence was it that in old time theſe protectours of the commons were not permitted to come into the *Senate*: but [c] they ſate without at the dore, whether whatſoever was determined within the *Senate* was ſent vnto them, to be peruſed by them, and if they did approue it, then did they ſubſcribe a great *Roman* T, being the firſt letter of this word *Tribuni*. [d] The houſes of theſe Tribunes ſtood open night and day, as a common refuge or place of ſuccour for all that would come; [e] neither was it lawfull for them to bee abſent out of the towne one whole day throughout the yeare.

x Alex Gendier. l. 6. c. 14.
y Roſin ant. lib. 7. c. 23.
z Pighius in ſuo Tiranni fug.
a Pomp. Læt.
b Stadiusin Flor. lib. 3. c. 2.
c Pigh. in ſuo Tirannifug.
d Roſin ant. Rom. l. 7. c. 23.
e Pigh. in ſuo Tyrannifug

Cap. 17.

De Ædilibus, & Præfecto annona.

WE may read of three ſorts of *Roman* magiſtrats called *Ædiles*, the two firſt had their names *ab ædibus curandis*, hauing in their charge to repaire

both temples and priuate dwelling-houses which belonged vnto the cittie. The first sort were called *Ædiles curules*, *a sella curuli*, from the chaire of state, wherein it was permitted them to ride, and these were chosen [f] out of the *Senators*. The second sort were called *Ædiles plebeij*, and they were added vnto the former at the earnest suit of the commons, they being to be chosen out of them. Where we must note that they were not so added, that both sorts should rule at one and the selfe same time, [g] but that the *Curules* should rule the one yeare, and the *Plebeij* the other. To these *Ædiles* it did belong, beside the reparation of temples & private houses, to looke vnto the weights and measures in common sale: for they had power to examine *Actiones redhibitorias*, that is, such actions, by vertue of which he that had sold any corrupt or sophisticated wares, was constrained to take them againe. Moreover they had the charge of the publique conduit or water-conveiances, of provision for solemne plaies, &c. Of the third sort their were also two, who were in a manner Clarkes of the Market. [h] For vnto them belonged the looking vnto the victuals sold in the market, and corne: Whence they were called by them *Ædiles cereales*, and [i] by the *Greekes* ἀγορανόμοι. This office, for ought that can bee collected out of those that treat of it, differeth but little from his, whom the *Romans* called *Annona præfectum*, only this, the *Ædiles Cereales* were *magistratus ordinarij*, the *Præfectus*, *extraordinarius*, namely, [k] such as was chosen only in time of extraordinary dearths: he hauing for that time larger authority then those ordinary clarkes of the market. For as it appeareth by *Rosinus* in the place now quoted, this *Præfectus* had power of himselfe, to examine all such cases or questions as should arise touching the dearth: as suppose the hoarding of corne, forestalling the market, &c.

f Philet. in l. 2. Cic. epist. fam 10:

g Alex. Gen. dier. l. 4. c. 4.

h Alex. Gen. ibid.

i Pighius in suo tyrannif.

k Rosin antiq. lib 7. cap. 38.

CAP. 18.

Cap. 18.

De Triumviris.

BEſide that *Triumviratus Reip. conſtituendæ*, of which we ſpake before, there were divers kindes of *Triumvirates*, namely *Triumviri capitales*, three high Shireiffes, who had the charge of priſons, and were to ſee malefactors puniſhed: for which purpoſe eight *Lictors* did attend them. There were alſo [l] *Triumviri Menſarij*, three men, we may tearme them Bankers, who had authority to pay out of the common treaſurie poore mens debts. Sometimes there were appointed fiue to this office, whence they were called alſo [m] *Quinqueviri Menſarii*, both being called *Menſarii* from *Menſa*, a table, whereon they told their mony. Another ſort of *Triumviri* there were appointed to preſſe ſouldiers, whence they were called *Triumviri conquirendi iuvenes idoneos ad arma ferenda*. We read alſo of certaine *Triumviri*, which were elected as chiefe captaines to guid and conduct the people in tranſplanting colonies, and thence were they named *Triumviri Coloniæ deducendæ*: but ſometimes for this purpoſe they elected ſeven, ten, or twenty, and ſo named them *Quinqueviri*, *Septemviri*, *Decemviri*, and *Vigentiviri Coloniæ deducendæ*. Three other ſorts of *Triumviri* remaine, which were officers of ſmall account, as the *Triumviri monetales*, three Maſters of the Mint, who thence were called *Triumviri A.A.Æ.F.F.* that *Auro, Argento, Ære, Flando, Feriundo*, for they had the charge of coining the mony. Secondly, *Triumviri valetudinis*, Three Peſt-men, which were to overſee thoſe that lay infected with any contagious ſickneſſe. Thirdly, [n] *Triumviri nocturni*, three Bell men which were to walke the towne at night, and to giue notice of fire.

[l] Alex. Gen. dier. l. 3. c. 16.

[m] I. Camerar. in orat. Cic. pro Flacco.

[n] Alex. Gen. dier. l. 3. c. 16.

Cap. 19.

De Præfectis Ærarij.

Augustus Cæsar desiring for the better safety of the citty, to maintaine many bands of souldiers, which should alwaies be in readines for the defence of the Citty, desired of the citty an yearely subsidie for the maintenance of those souldiers: but being denied it, hee built a certaine Treasure-house, which hee called *Ærarium militare*, whereinto he cast his mony for himselfe, and *Tiberius*; and promised to doe so every yeare. Afterward when he saw the Treasurie not to be enriched enough, either by that mony which himselfe bestowed, or by the contributions of others he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kin, or to the poore) should fall vnto this Treasurie. For the charge & custody hereof he appointed three of those souldiers which alwaies attended about him for the safegard of his person, calling them *Præfectos Ærarij*.

Cap. 20.

De præfecto Prætorio.

ALL Captaines and Gouernours to whom the rule of any army belonged, were in ancient time called [o] *Prætores*: This word *Prætor* signifying then three chiefe officers among the *Romans*: First a *Consul*, secondly a L. chiefe Iustice, thirdly, a L. Generall in warre, all of them being called [p] *Prætores, quasi Præitores quoniam iure & exercitu præibant.* Answerable to which threfold acception, this word *Prætorium* hath three severall significations: sometimes it signifieth a Princes palace or mannour house, sometimes a great

o Pancirol. in notitiam imper. orient. c. 5

p Pighius in Æquipet. compos.

great hall or place where iudgement was wont to be given; and laſtly the L. Generall his pavilion in the campe; [q] from which laſt ſignification it is, that thoſe ſouldiers that gaue attendance about that pavilion for the gard of their Captaines perſon, are ſometimes called *Milites Prætoriani*, ſometimes *Cohors prætoria*: [r] and he to whom the overſight of theſe ſouldiers was committed was thence called *Prætorio præfectus*.

[q] Aſconius in Verrinam 3.

[r] Fr. Sylu. in Catil. 2^m.

Cap. 21.

De Advocato fiſci.

FOR the right vnderſtanding of this office, we muſt firſt note a difference betweene theſe two words, *Ærarium*, & *Fiſcus*. *Ærarium* was a common treaſury belonging vnto an whole ſtate or corporation, whence all publike and common expences are to be ſupplied. *Fiſcus* was the Kings or Emperours private coffers: it may be engliſhed the Kings Exchequer. The keeper thereof was called *Advocatus Fiſci*. There are many other petty offices within the citty, which I haue purpoſely omitted, becauſe there is but ſeldome mention of them in old autors, and as often as they are mentioned, their names doe explaine their office.

Cap. 22.

De præcipuis magiſtratibus provincialibus.

OVer the Provinces at firſt ruled certaine magiſtrats ſent from *Rome*, by commiſſion from the *Roman* Senate, called *Prætores*, whoſe office was to adminiſter iuſtice vnto the provinciall inhabitants, yea & if occaſion ſerued, to make war alſo vpon their enimies, & this was the reaſon that the number of the *Prætors* did ſo increaſe alwaies

alwaies, namely accordingly as the number of Provinces did encreaſe. The wars and tumults in the Provinces ſometimes were ſo great, that the *Prætor* was not ſufficient both to manage war and execute iuſtice: wherevpon the *Senate* thought fit to ſend another magiſtrate into the Prouinces, whom they called a *Conſul*, becauſe properly the managing of warre belonged vnto the *Conſul*, So that there were at firſt two ordinary Provinciall magiſtrats, a *Conſul* to manage warre, and a *Prætor*, or L. chiefe iuſtice to ſit in iudgement. And if theſe two by a ſecond grant from the *Senate* did continue in their office aboue the ſpace of an yeare, then were they called *Proconſules*, & *Proprætores*. But in proceſſe of time this cuſtome was altered. For then none could be *Proconſules*, but thoſe alone who had beene *Conſuls* in *Rome*: neither could any bee *Proprætors*, which had not beene *prætors* at *Rome*. Their manner being, that the next yeare after the expiration of their offices in *Rome*, they ſhould depart into ſome certaine Province, to beare the ſame offices againe, being not called *Conſules* or *Prætores* as before, but [f] *Proconſules & Proprætores*: and for this cauſe alwaies, ſo ſoone as the *Conſuls* had beene created, the *Senate* did appoint certaine Provinces for the *Conſuls*, which being appointed, the *Conſuls* did either agree betweene themſelues, who ſhould goe to the one, who to the other: and that was tearmed *comparare provincias*: or elſe they did decide the queſtion by lots, and that was tearmed *ſortiri provincias*: howbeit ſometimes the *Senate* did interpoſe their authority, and diſpoſe the ſame. Vnder the Emperours the gouernours of ſome Provinces were appointed by the *Senate*, and the people, and thoſe were called *Proconſules*, and the Prouinces, [t] *Provincia Conſulares*: others were appointed by the Emperours, and they were called *Proprætores*, and the Provinces *Prætoriæ Provinciæ*. For all this, which hath beene noted touching the Provinciall Magiſtrates, it is almoſt *verbatim* tranſlated out of [u] *Roſinus*. To which we adde this, namely that every *Proconſul* and *Proprætor* did vſually

[f] Alex. Gen. dier. l. 3. c. 3.

[t] Cæſar. pro L. Flacco.

[u] Roſin. ant. l. 10. c. 24.

vſually chooſe a Lieutenant ſuch a one as ſhould be aſſiſtant vnto him in matters of gouerment; whom they called *Legatum*: So that this word *Legatus* ſignified three ſeverall Magiſtrats amongſt the *Romans*, two whereof may bee proued out of [y] *Sigonius*: firſt that it ſignified ſuch a Lieutenant, or L. Deputy vnder a *Proconſul*, or *Proprator* in a Province; ſecondly, that it ſignified ſuch a one as is imployed in the delivery of a meſſage or embaſſage from one Prince or State to another; we commonly call them **Embaſſadors**. Laſtly it ſignified a Lieutenant or cheiſe Captaine in warre, whoſe place was next vnder the L. Generall. His office at the firſt inſtitution was not ſo much to rule or command, as to aſſiſt the L. Generall in councell; whence *Polibius* commonly ioyneth theſe two together, πρεσβευτὰς καὶ συμβούλους, that is, *Legatos & Conſiliarios*, that the latter word might expound the former. *Lipſ. de mil. Rom. l. 2. dial. 11.* Moreouer every *Proconſul* and *Proprator* had with them certaine Treaſurers, called *Quæſtores Provinciales*. Theſe prouinciall Treaſurers [a] were choſen by the *Roman* people commonly, namely ſuch a number as the number of provinces did require. After the election, they betweene themſelues did caſt lots who ſhould goe vnto the one, who vnto the other provinces: [b] ſometimes extraordinarily by vertue of ſpeciall Act or decree, this or that ſpeciall man hath obtained this or that Province without any lottery. By the way wee muſt note, that all Prouinciall *Quæſtors* could not be called *Proquæſtores*, as all Prouinciall *Conſuls* and *Praetors* were called *Proconſules* and *Propratores*. [c] For theſe only were called *Proquæſtores*, which did ſucceed theſe prouinciall *Quæſtors*, when they did either die in their office, or depart out of the Prouince, no ſucceſſor being expected from *Rome*: at which times it was lawfull for the *proconſul*, or *Proprator* to chooſe his *Proquæſtor*. Moreouer there were beſide theſe *Legati* & *Quæſtores* [d] other military officers; ſuch as are the *Tribuni militum*, *Centuriones*, *Præfecti*, *Decuriones*, together with other inferior officers, as their Secretaries, Bayliffs, Cryers, Seriants, and ſuch like.

x Pomp. Læt. de mag. Rom.

y Sig. de iure prou. l. 2. c. 1.

a Sig. de iure Prov. l. 2. c. 3.

b Sigon. ib.

c Roſin. Ant Rom. l. 7. c. 45.

d Sig. de iure Prou. l. 2. c. 2.

LIB. 3. SECT. 3.

Of the Roman Puniſhments.

CAP. 1.

Supplicia, Multa, Lex Ateria, Tarpeia. Ego ei unum ovem multam dico &c.

TOuching the militaty puniſhment, which belonged to military diſcipline, it ſhall bee treated of in it's proper place. Here only of the Citty diſcipline, and the vſuall puniſhments exerciſed therein, which we may divide thus. Puniſhments publikely inflicted on malefactors are either *Pecuniarie mulcts*, or *Corporall puniſhments*; the *Pecuniary mulcts* were of two ſorts: either an appointed ſumme of mony was required of the party guilty, and then it was called *Multa*: or his whole eſtate was ſeaſed on, and then it was tearmed a *Confiſcation* of his goods. The *Mulct* was twofold, the on tearmed *Multa ſuprema*, the other *Multa minima*. Of both theſe [a] *Gellius* writeth thus: *Suprema multa erat duarum ovium, & trigenta boum, pro copia ſcilicet boum, & penuria ovium: ſed cùm eiuſmodi multa pecoris, armentiq; à magiſtratibus dicta erat, adigebantur boues oueſq; alias pretii parvi, aliàs maioris, eaq; res faciebat inaqualem multa punitionem. Idcireo poſtea lege Ateria conſtituti ſunt*

[a] Gellius, l. 11.

sunt in oues singulas aris deni, in boves aris eemeni: Minima vero multa fuit ouis vnius. Moreouer as he obserueth in the same place, whensoeuer the Magistrat did set a fine or Mulct vpon the offenders head, he vsed the word *Ouis* in the Masculine gender: as, *Ego ei vnum ouem multam dico, &c.* The law which *Gellius* calleth *Ateriam legem:* [b] *Festus* calleth *Legem Tarpeiam*, because *Aterius* enacted it, when he was Colleague or fellow-Consul with *Tarpeius*. Likewise wee may take notice of the clemency vsed in those times. It was provided by the law, that seeing there was greater plenty of Oxen then of Sheepe, & to be fined an Oxe, was not so much as to be fined a Sheep, therefore the Magistrate pronouncing the Fine [c] *Bouem prius quàm Ouem nominaret, vt immoteſceret Romanis mitiores ſemper pœnas placuiſſe.*

[b] Festus in voce pecunia.

[c] P. in lib. 18. cap. 3. lt Alex. ab Alex. libr. cap. 5.

Cap. 2.

Capitis diminutio, maxima, media, minima. Aqua & Igni interdici. Proſcriptio, Lata fuga, Deportatio in ſolidum, ſemiuum, Erarij, In erarios relati, Religatio, Lanij cum tintinnabulis.

THE corporall punishments are either such as were *Capitall*, depriuing a man of his life: or *Castigatory*, such corrections as serued for the humbling and reforming of the offender, or for the destroying of him. *Capitall* punishments were sometimes taken in a civill acception, for the losse of freedome, which the *Romanes* called *Capitis diminutionem*, Disfranchising, because in every free-man thus disfranchised, one head of the corporatiō was as it were cut off: sometimes it is taken for the losse of ones life, & this they called *Vltimum ſupplicium*. That disfranchising called *Capitis diminutio*, was [d] threefold. *Maxima, Media & Minima.* The least degree was, when the *Censors* pulled a man from

[d] Rosin. ant. Rom. l. 9. cap. 3

an higher Tribe, downe to a lower and leſſe honorable, or when by any cenſure they diſabled a man from ſuffraging, or giuing his voice in the publike aſſemblies: ſuch as were thus in the laſt manner puniſhed, were tearmed *Ærarij*, and *In ararios relati*: [e] *quia omnia alia iura ciuium Romanorum, præterquam tributi & aris conferendi amiſerunt.* This kinde of puniſhment, as it may ſeeme, was many times exerciſed for irreverend geſture, or ſpeeches vſed by ſuch as were queſtioned by the *Cenſors*. Three ſeuerall examples are noted by [f] *Gellius*; the laſt is this: *P. Scipio. Naſcica*, and *M. Pompilius* being *Cenſors*, taking a view of the *Roman* knights obſerued one of them to haue a leane ſtarueling horſe, himſelfe being fat, and in good plight, wherevpon they demanded the reaſon why his horſe was ſo leane, himſelfe being ſo fat: his anſwere was. *Quoniam ego, inquit, me curo; equum Status meus ſeruus. Diminutio media* was an exilement out of the Citty, without the loſſe of ones freedome: [g] It was commonly ſet downe in this forme of words: *Tibi aqua & igni interdico.* And it ſeemeth by [h] *Cælius Rhodiginus*, to be all one with that kinde of baniſhment, which the *Romans* called *proſcriptio*, though it cannot be denied, but that *Proſcriptus* ſome times ſignifieth only ſuch a one, whoſe goods are ſet at ſale to ſatisfie his creditors, becauſe hee will not appeare in the Court, the forme thereof is thus. The Creditours hauing obtained leaue of the **Lord chiefe Iuſtice** to proceed in this manner, they committed the ordering of the ſale to one principal Creditour and he was called ſimply *Magiſter*, and he in the name of all the reſt, ſolennely proclaimed in the chiefe places of the City in forme as followeth. [i] *Ille debitor noſter in eius. medicam ſa. eſt, vt bona eius direndi debeant, nos creditores patrimonium eius diſtrahimus: qui cunq; emere volet, adeſto.* But for the reconciling of both opinions, we may tearme the firſt to be *Proſcriptionem hominum*: the other *Proſcriptionem bonorum*: which diſtinction being not obſerued, breedeth a great confuſion in the Authors that treat of this puniſhment, and becauſe

e Sig. de iure Rom. l. 1. c. 17.

f A. Gell. noct. Attic. l. 4. cap. vlt.

g Camerar. in orat. Cic. pro Muræn.

h Cœl. Rhod. lib. 15. cap. 17.

i Roſin. ant. lib. 9 cap 12.

becauſe both was performed by ſolemne and publique proclamations, hence the name *Proſcriptio* agreed as well to the goods confiſcated, as to the perſons baniſhed: according to that, [k] *Quoniam eorum nomina in publico ſcribebantur, hinc proſcribi dicebantur*. Hence the [l] *Gracians* vſe not only the word προγράφειν, but alſo γραπτὸς, to ſignifie the act of *Proſcription*, becauſe they wrott in a publique pillar the faults & offences of ſuch as were thus baniſhed. But to proceed without farther digreſſion. *Diminutio maxima* was the loſſe both of the city, and the freedome; and this I take to be the ſame which in other tearmes was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all ſtanding in oppoſition to that other kind of baniſhment, called *Relegatio*, which was the exilement [n] only for a ſeaſon, happily for fiue yeares &c: ſee *C. Rhod. lib. 10. c. 5.* though I deny not but that *lata fuga* was ſo called not only in reſpect of the duration of time, it being a perpetuall baniſhment: but alſo in regard of the places ſo generally prohibited, [m] for he that was thus baniſhed, was tied and limited to one peculiar country, all other places in generall being forbidden him. Thoſe puniſhment that deprived of life in ordinary vſe, and of which there is moſt frequent mention in *Roman* Authors are theſe which follow. *Furca, Crux, Carcer, Culeus, Eculeus: De rupe Tarpeia deiectio Scala, Gemoniæ, Tunica. Damnatio in gladium, in ludum, ad beſtias*: In generall we are to note, that the execution was without the gates of the city to prevēt the noyſomes which ſuch abundance of bloud might occaſion, [o] for which reaſon the executioner dwelt without the City. Likewiſe thoſe that were adiudged to death, when they went to the place of execution, a certaine little bell was tyed about them, that by the ſound thereof, the people might beware of touching the condemned perſon, becauſe the very touch of him was counted a kinde of pollution: this [p] *Turnebus* obſerueth out of *Zonaras*: and from hence the executioners are called [q] *Lanij cum tintinnabulis*. And for this reaſon [r] it was, that a little

[k] Fr. Matur. in Philip. orat. 3.
[l] Suidas in voce γράπ.
[n] Adde quod edicta quamv. immite minaxq; Attamen in pœnæ nomine lene fuit. Quippe relegatus, non exul dicor in illo. Ouid. de triſt. l. 2. Eleg. 1.
[m] Tholoſan. ſyntag. iur. vniverſ. lib. 31.
[o] Plaut. Caſ. 2. 6.
[p] Turn. adv. l. 11. c. 21.
[q] Plaut. pſeud. lib 3.
[r] Roſin. ant. l. 10. c. 29.

bell and a ſcourge was hanged vp in the hindmoſt part of the chariot, wherein the Lord generall did ride in his triumph, a publike officer which rodde with him in the ſame chariot, now & then plucking him behind, & bidding him looke back, vſing this forme of words,[r] *Reſpice poſt te, hominem memento te*, that is, Sir looke behind you, remember your ſelfe to bee but a man. For the ſight of the ſcourge and bell ſerued to put him in minde, that notwithſtanding, his preſent triumph and acclamations his after-miſeries might be ſuch, that he might be puniſhed not onely with whipps, but euen with death it ſelfe.

r Tertul. Apol. cap. 33.

Cap. 3.

Furca. Furcifer. Supplicium more maiorum, ſæpiſſime.

AVncient autors which doe write of the *Roman furca*, doe rather mention it, then explaine it, but if wee diligently obſerue what they ſpeake of it, wee ſhall finde the vſe thereof to haue bin three fold. The firſt ignominious. Wh ch[a] was when the maſter forced the ſervant for ſmall offences *furcam circa vrbem ferre*, to carry this *furca* vpon his ſhoulders about the citty, confeſſing his fault and admoniſhing others to beware of the like offence, &[b] hence ſuch a ſervant was afterward called *furcifer*; and here I thinke was vſe of thoſe *ſtimuli* or goades, whereof I ſhall ſpeake more in the chapter following; namely that when the party thus to be puniſhed dragged back, and ſhewed himſelfe vnwilling, then did the executioner prick him forward with theſe kinde of goades. The ſecond ſort was p[e]nall. when the party hauing the *furca* on his neck, was ledde vp and downe the Cirque or ſome publique place, and on the way to bee whipt but not vnto death,[c] thus *C. Matienus damnatus ſub furca ain virgis cæſus erat, & ſeſtertio nummo venijt*. He was after-

a Iſidor. orig. lib. 10.

b Plutarch, in Coriol.

c Epit. Liuij. dec. 4. lib. 5.

afterward sold, and therefors died not vnder the punishment. The third sort was penall to, but in an higher degree; namely, when the malefactor having his head fastned to the *furca*, was whipt vnder it vnto death; and this was by a peculiar name called [d] *supplicium more maiorum*. This yet differed from that beheading with an axe which was in vse among the *Romans*, and called by the *Grecians* πελεκισμὸς from πέλεκυς signifying an axe or hatchet; it differed I say from this, because howsoever there were in this σανιδῶν πρόσδεσις, a tying the party to a stake or post, and also μαστίγωσις, a whipping, in both which it agreed with the former punishment, yet herein they differed, because in the former they were whipped vnto death, in the latter they were after their whipping beheaded with an axe, as appeareth by the [e] execution of *Antigonus* the King of the Iewes. But to proceed in the description of the *furca*, the forme thereof I take to be like the beame of a wayne vnto which the yoakes are fastned; it resembleth a forke, & the *furca* is called ξύλον δικῶλον, δίκρανον, δίδυμον, *id est*, *lignum duplex*, *bicornutum*, *geminum*, in english a forked piece of timber; there is no such piece throughout the whole wayne as the forme of waynes is in these daies, but only the beame thereof [f] *Plutarch* treating of the *furca*, saith that it is, ξύλον ἁμάξης ᾧ τὸ ζυγὸν περιδέουσι, that is, a piece of timber about the wagon or wayne, wherewith they vpheld the beame; and he addeth, that what the *Grecians* call ὑποστάτην & ὑπόζυμα, that the *Romans* call *furca*: now *Hesychius* describeth ὑπόζυμα to be τὸ δικρᾶν ἢ πρὸς ὑποτίθεσι τῷ ἅμαξης ζυγῷ, that is, the forked piece of timber, which they put vnder the yoak of the wayne; correct *Plutarch* by *Hesychius*, and for τὸν ζυγὸν reade τὸ ζυγὸν, & you haue in both the description of the beame in the wayne. Some thinke that *Plutarch* compareth the *furca* to a certaine forked peice of timber, where with the waine was vpheld whiles it was vnloaded, but how this can stand with *Hesychius* his description of ὑπόζυμα, I am yet to learne; notwithstanding if we admit this interpretation, that which

[d] Sueton in Ner. 49.

[e] Dio. lib. 49.

[f] Plut. in Cotiol.

which I would hence inferre, is rather confirmed, then any way weakened: namely that the forme of the old *Roman furca* was forked, neither doe there appeare any testimonies so evident to me, as to persuade that among the auncient *Romans* any other was in vse. True it is, that in after ages the forme thereof was the very same with our **gallowses** which are now in vse, and this happily beganne, when the vse of crucifying was interdicted, which interdiction we read first to haue taken place in g *Constantines* time.

f Sozom. eccles. hist. l. 1. c. 8.

Cap. 4.

Crux. Servile supplicium. Titulus.

CRucifixion hath beene a punishment in auncient vse among the *Romans*, it was abrogated by *Constantine*. It was a death that commonly servants were sentenced vnto, seldome times free-men, whence it is many times noted out by the name of *servile supplicium* by *Tacitus*, yet h sometimes freemen though of the baser sort, & for notorious offences were adiudged to this kind of death: nay a cleare example hereof we haue in that * Guardian which *Galba* crucifyed, for poysoning his ward, for the Guardian calling for the benefit of the law, & avouching in his plea, *That he was a Roman citizen*. *Galba* as if hee would allay his punishment with some comfort and honour, commanded the crosse already made to be changed, and another to be reared far higher then the ordinary, and the same laid ouer with a white colour. Those which were thus to be punished, they bore their crosse vpon their shoulders to the place of execution. i *Male fici cum ad supplicium educuntur, quisq; suam effert crucem.* k *Artemidorus* is as plaine Ἐστι γὰρ ὁ σταυρὸς θανάτου, καὶ ὁ μέλλων σταυροῦσθαι, πρῶτον αὐτὸν βαστάζει, that is. The crosse is like vnto death, & he which was to be crucified did first bear it. The party that suffered this kind of death was first stripped

h Vid. Lips. de cruce l. 1. c. 11.

* Suet. Galb. 9.

i Plut. de sera numinis vind.

k Vid. Lips. de cruce. l. 2. c. 5.

ped of all his clothes, for he ſuffered[l] naked; then was he faſtned vnto the croſſe and that commonly with nayles, the Greek word προσηλωσις clearely evinceth as much, we may render it *Clanifixio*. Now that the equity of the proceeding might clearely appeare to the people, the cauſe of his puniſhment was written in capitall letters, hence[m] *Dio* ſpeaketh of a ſervant drag'd to the croſſe, μετα γραμματων τας αιτιας της θανατωσεως δηλουντων, that is, with letters declaring the cauſe of his death. This inſcription was called αιτια *Mat.* 27. 37. It was alſo called τιτλος *Ioā.* 19. 19, from the latine word *titulus* vſed in the ſame ſenſe. And ſometimes επιγραφη & αιτιας. *Mar.* 15. 26. or ſimply επιγραφη *Luc.* 23. 38. [n] *Tertullian* & [o] *Suetonius* calleth it *elogium*. The like kinde of publiſhing the cauſe, either by an inſcription, or by the voice of a common crier was not vnuſuall in other capitall puniſhments; as *Attalus* the Martyr was led about the Amphitheatre, τιτλος & αυτον προαγοντος, εν ω ην εγγεγραμμενα ρωμαιστι, ουτος εστιν Ατταλος ο χριστιανος, i. A table being carried before, in which it was written in latine, *This is Attalus the Chriſtian*. That of [q] *Suetonius* his is not much vnlike. *Patremfamilias detractum è ſpectaculis in arenam, canibus obiecit, cum hoc titulo: Impiè locutus Parmularius*. What is meant in this place by *Paterfamilias* and *Parmularius*, hath bin already declared in the chapter of **Fencers**. Moreouer ſuch as were to be crucified, they were alſo whipt before they ſuffered. That ſame *horrendum carmen* clearely evinceth as much, the parts whereof are two; firſt: [r] *Verbera intra aut extra pomarium*, ſecondly: *Arbore infelici ſuſpendito*. This whipping was ſometimes *ſub furca*, for this [s] *Valerius* is plaine. *Cum ſervum ſuum verberibus multatum ſub furca ad ſupplicium egiſſet*: ſometimes *ad columnam*. *Artemidorus* is cleare in this, προσδεθεις κιονι, πολλας ελαβε πληγας, that is, being tied to the pillar, hee receaved many ſtripes. Happily [t] *Plautus* alludeth to the ſame.

l Artimidor lib. 2. 58.

m Vid. Lipſ. de cruce, l. 2 c. 11.

n Apol. cap. 2.

o Sueton. in Calig.

p Euſeb. eccl. hiſt. lib. 5. c. 1.

q Sueton. Domit. cap. 10.

r Liv. lib. 1.

s Val. Max. l. 1. c. 7.

t Plaut. Bacch.

---- Abducite hunc
Intrò atq; adſtringite ad columnam fortiter.

Yea the auncient [t] *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the scripture is silent, only that he was whipt it testifieth, and that with scourges. Τὸν δὲ Ἰησοῦν φραγελλώσας παρέδωκεν ἵνα σταυρωθῇ *Mat.* 27. 26. This fore-whipping I take to bee a matter vnquestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should be goaded on the way with pricks and goads by the Executioner. That there was [u] *stimulenum supplicium*, a kinde of punishment with pricks and goades is evident, and hence commeth that phrase *Stimulo fodere*, and hence that other phrase of Kicking against the pricks. Parrallell to which is that of *Plaut. Truc.* 4. 2. *Stimulos pugnis cadere.* But this kinde of punishment I take to haue beene exercised only by Masters towards evill servants, and that not as præparatory to death, but for their reformation in future times: whence by way of contempt, a seruant thus handled was tearmed *Carnificum cribrum*, because he had his backe so boared with those pricking instruments, that it looked like a sieue full of holes. Otherwise, if we vnderstand it as a punishment imposed by publique authority, we may say, that thereby is denoted a certaine punishment, exercissed towards theeues in time of their examination, that by the pricking and goading of them, the truth might bee confessed, [*] for to that ende theeues were thus tortured, and thence were they called *Centrones*, from κέντρον, *Stimulus*. Lastly wee must remember that these three words *Furca*, *Crux*, and *Patibulum*, are many times vsed promiscuously, signifying the whole crosse on which malefactors suffred: but in strict propriety of speech, *Furca* signifieth that forked instrument of which wee treated in the former chapter: *Crux*, that erect part of the crosse standing vpright: *and Patibulum*, the thwart peece of timber vpon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman furca*, whence *Patibulatus* and *Furcifer* are vsed as words æquivalent, and in both senses it may

[t] Prudentius Hieronym. Beda. vid. Lipsi. de cruce. l. 2. c. 4.

[u] Plaut. Mil: 2. 6.

[x] Plaut. Most. 2. 1.

[*] Cœl. Rhod. lect. antiq. l. 10 cap. 5.

may borrow its name from *Pateo* to lie open; because as the malefactors hands were spred abroad being fastned to the thwart peece of timber vpon top of the crosse: so were they likewise spread abroad vnder the *Furca*, his two hands being tyed to the two forked ends thereof.

Cap. 5.

Carcer, Ergastulum Tullianum, Robur. Malamansio, Nervus, Collum. bar, Numella, Codex.

HOwsoever *carcer* & *ergastulum* are vsed promiscuously by moderne writers, yet if wee diligently enquire vnto each words origination, and how they haue beene vsed by more ancient autors, wee shall finde them thus differenced. *Ergastulum* was a prison much resembling our house of **Correction**, into which servants only were cast: *Carcer* a more publike prison, vnto which men of better ranke & fashion vpon iust occasion were committed: secondly, the power of sentencing any servant to the *Ergastulum*, was proper and peculiar to the master of the servant, without approbation from publike authoritie, but the power of the committing to the prison called *Carcer*, was onely in the publique magistrate: thirdly *Ergastulum* tooke away only the libertie and pleasure of life: *Carcer* life it selfe. The word *Carcer* hath his name *á coercendo*, from restraining men of their liberty.[a] It had two principal parts, the one called *Tullianum*, the other *Robur*, besides many other roomes wherein men were kept close prisoners, these two places were assigned for execution. In that which they called the *Tullianum* (wee may english it **Dungeon**) they strangled malefactors.[b] It had its name from *Servius Tullius a Roman* King, the first inventer & autor thereof. Of this *Salust* writeth, *Est locus in carcere quod Tullianum appellatur vbi paulatim*

[a] Sigon. de iudic. lib. 3. c. 17.

[b] Sigon. ibid.

tim aſcẽderis ad lævam, circiter duodecim pedes humi depreſſus eum muniunt vndiq; parietes, atq; inſuper camera lapidea fornicibus iuncta, ſed inculta tenebræ, odor fœda, atq; terribilis eius facies eſt. In that other place which they called commonly *Robur*, ſometimes [c] *Robuſtum Codex*, ſometimes [d] *Cuſtodia lignea*, ſometimes [e] *Italum robur*, (our engliſh phraſe ſtrong hold fitly anſweareth it) they broke malefactors necks by a kinde of præcipitation or tumbling them headlong, [f] from a certaine ſtock of a tree faſtned there in the earth; vnto this *Tully* alludeth. *Quæro fregeris ne in carcere cervices illi ipſi Vetti.* But more expreſly *Plautus*. [g] *At ego faciam vos ambos in robuſto carcere vt pereatis*; thoſe that had the chiefe overſight in ſuch executions were called *Triumviri capitales*, that is high ſheriffs. The whole proceeding is ſet downe by *Valerius*. [h] *Mulierem damnatam Prætor Triumviro necandã in carcere tradidit, quam receptam is qui cuſtodiæ præerat, miſericordiâ motus non protinus ſtrangulavit; aditum etiam filiæ dedit. ſed diligenter excuſſa, ne quid cibi inferret, exiſtimãs futurum, vt inediâ conſumeretur; cùm verò animadvertiſſet, filiam matrem lactis ſui præſidio ſuſtentantem, rem ad Triumviros, Triumvir ad Prætorem, Prætor ad conſilium, indicum pertulit, & remiſſionem mulieri impetravit.* It is much controverſed among interpreters, what that kinde of puniſhment was which they teatmed *Malam manſionem*, wee may engliſh it little eaſe: Some vnderſtand hereby a certaine deepe dungeon, made in the forme of a pitt or well, called therefore in latine *puteus*; but this as it ſeemeth by that of *Plautus*, was a puniſhment proper and peculiar to theeviſh cookes. [i] *Coqui abſtulerunt, comprehendite, vincite, verberate, in puteum condite.* Others vnderſtand hereby a cloſe priſon, which becauſe of its ſtraightnes & cloſenes they called *arcam*, a cheſt: the vſe of this priſon, was for the ſafe keeping of ſuch who were afterward to be examined of farther matters; though ſometimes other offenders were caſt into the ſame. Of theſe priſons *Tully* ſpeaketh. [k] *Subito arrepti in quæſtionem, tamen ſeparan-*

[c] Plau. pœn. 5.3.
[d] Plau. pœn. 5.6.
[e] Her. lib. 2. od. 13.
[f] Turneb. adv. lib. 23. cap 21.
[g] Plau. in Curc. act 5. ſc. 5.
[h] Valer. l. 5. c. 4
[i] Plau. Aulul. 2 5.
[k] Cic. pro Milone.

parantur à cæteris, & in arcas conjiciuntur, nequis cum his colloqui poſſit. Another kinde of priſon there was called *Sextritium*, thus it is commonly rendred in Latine, but the Greeke word is ἑξάπλιον, and accordingly [a] *Turnebus* renders it *Seſtertium*, being of opinion that it was ſo called from the quãtitie of ground it contained namely two acres and a halfe, *C. Rhodiginus* thinketh that *Spoliarium* and *Sextritium* were not places vnlike, but herein not he alone, but diuers others haue bin deceaued: for *Sextritium* is apparently a place of [b] execution, where thoſe were executed whom the *Roman* Emperours adiudged to death, now whether that *Spoliarium* were a place of puniſhment I much doubt. What in Latine we call *Spoliarium*, that the Greeks termed ἀποδυτήριον both doe ſignifie primarily little cells or chambers neere adioyning to the bathes, where ſuch as waſhed themſelues laid vp their cloathes: In a borrowing ſenſe both are vſed to ſignifie chambers and cells adioyning neere vnto the Amphitheatre or fencing place, wherein the fencers did put vp their cloathes in time of fight, and becauſe ſuch as were wounded in fight were carried into thoſe chambers, where they languiſhing with much paine at laſt notwithſtanding expired for the moſt part, & that not without much torturing of the Chirurgion, hence ſuch a Spittle-houſe is alſo called *Spoliarium*. Thus much *Seneca* ſeemeth to intimate, [c] *Numquid aliquem tam cupidum vitæ putas, vt ingulari in ſpoliario, quam in arena malit?* Whereby it appeareth, that *Spoliarium* was not a priſon vnto which malefactors were iudged, but rather as I ſaid a kinde of Spittle-houſe. Other kinde of puniſhments, there were of a neere likeneſſe with impriſonments, and caſting into the pillory, laying one by the heeles, &c. of theſe little is ſpoken more than the very names; of this ſort thoſe that doe moſt commõly occurr in autors, are theſe. *Nervus*, *Collum bur*[m], *Numella*, *Codex*. *Nervus* is generally thought to reſemble our Stocks, [l] ſome take it to bee made of wood, others of yron, [m] *Nervum appellamus ferreum vinculum, quo pedes impe-*

[a] Turn. adv. lib 3. cap. 18.

[b] Plutarch. in Galba.

[c] Sen. ep 94. De ſpoliario Vid. Lipſ. Sat. 1. 18.

[l] Vid. Taubman in Plau. Aulul 4. 10.

[m] Feſtus. Vid. Lam. in Plau. Aulul 4. 10.

pediuntur: quanquam Plautus eo etiam vinciri cervices ait, Two of the last seeme to haue some resemblance with our Pillory. *Collumbar* had its name from *Collum*, because the necke was chiefly pained in this kinde of punishment. *Numella* was also a kind of **Pillory**, being so called *quasi* [n] *Nuella, quòd qui eo vinculo constricti erant, nuere demissoq; capite esse cogebantur. Codex* was a certaine block or **Clogge**, so tied vnto the malefactors, that they vsed it as a stoole to sit on, the vse of this may seeme to haue been only in private houses, thereby to keepe evill servants the closer to their work, of this *Iuvenal* speaketh *Sat.* 2.

n Turneb. adverss. l. 23. c. 21.

Horrida quale facit residens in codice pellex.

o Turneb. ibid.

[o] *Turnebus* describeth it thus. *Codex est ligneus stipes, quem alligati serui, qui deliquerant trahebant, cuiq; insidebant vincti,*

Cap. 6.

Culeus.

THE crime which in Latine we call *Parricidium*, is murder practised by father or mother towards the children, or by the children towards either of the parents. It had in old times a larger acception, signifiing any murder betweene man and man, and then it was called *Parricidium, quia par parem occiderat.* The word taken in his first and proper signification, denoted a fact so vnnaturall, that neither [r] *Solon* nor *Romulus* would determine any punishment against such offenders, because they thought none so wicked as to commit it, and the prohibition it selfe might proue a kinde of irritation, to prouoke some to the commission of that crime, which otherwise would never haue entred into their hearts. But the wickednesse of the aftertimes, enforced Lawgiuers to inuent a sharpe punishment against such vnnaturall offences. The punishment decreed against Parricides in [s] *Senecaes* age, was, that such malefactors should be sowed

p Cic. pro Sext. Roscio.

q Senec. lib. 5. controv. 4. in fine.

ſowed vp in a leatherne ſack together with ſerpents, and ſo caſt into the ſea, afterward there was ſowed vp in the ſame ſack an ape, and a cock, and at laſt a dogge. Whence *Iuvenal. Satyr.* 8.

Cuius ſupplicio non debuit vna parari
Simia, nec ſerpens vnus, nec culeus vnus.

[a] *Modeſtus* deſcribeth the manner thereof thus. The Parricide being firſt whipt with rods vntill the bloud came, then was he ſowed vp in this ſacke called *Culeus*, together with a dog, a cock, a ſerpent, and an ape. [b] They would not caſt him naked into the ſea, leaſt the water thereof thereby might be polluted, wherewith all other pollutions in their opinion were expiated.

[a] Digeſt. lib. 48. ad legem Pomp de parric. vid. Cœl. Rhod. lib. 11. cap 21.
[b] Cic. pro Sext Roſc.

Cap. 7.

Eculeus, Lamina Vngula, Fidicula, σχοινισμὸς.

Eculeus had its determination from *Equus, quaſi Equleus*, as may be collected from that deſcription which [c] *Turnebus* giueth. But not ſo much from the poſiture or ſituation of the offenders body on the engine as *Turnebus* would haue it, for he in no wiſe reſembled a man on horſebacke, but rather from the horſing or horſing vp of the party faſtned with ropes vnto the *Eculeus*, ſo that his hands being tied faſt at the vpper part of the engine, & his feet at the neather part, hee was hoyſed vp into the ayre like vnto one faſtned one a croſſe. The forme of the *Eculeus* I cóceaue thus, it was not on entire ſtake, but rather two long peeces of timber ioyned together in forme of a ſtake, ioyned together I ſay, by the meanes of a vice or ſcrue, and the reaſon hereof was that by helpe of this ſcrue, the vpper part of the engine might be lifted vp to the racking and torturing of the malefactor, or let downe to the eaſing and remitting of his paines as ſhould ſeeme good to the executioner, or other officers, who.

c Turneb. adverſ. l. 4. c. 3

who now and then would grant some remission and respite in hope of a confession. For in the first institution, the maine end of this torture was to worke out the knowledge of the truth. Neither did the alone rack they parties ioints in this kind of punishment but to enforce him vnto a confession by an augmentation of his paine, they did often with hot plates & Iron pinsors, burne and teare his flesh from his sides, and all this we shall finde warranted by [d] *Sigonius*, whose words I haue written downe at large. *Eculeus catasta fuit ignea, cochleata, ad intendendum ac remittendum apta atq; ad torquendos homines vt falli veritas eliceretur instituta. Tormenti vero genus erat huiusmodi, vbi catasta huic brachia pedesq; eius, qui torquebatur erat, nervis quibusdam, quæ fidiculæ dicebantur alligaverant, tum catasta intenta atq; in altum erecta, vt ex eo quasi ex cruce quadam miser ille penderet, primum compagem ipsam ossium illius divellebant, deinde candentibus eiusdem corpori laminis admotis, atq; bisulcis vngulis ferreis lateribus laniatis doloris acerbitatem augebant.* And thus wee see what the vse of those *Lamina* and *Vngulæ* were, namely that they were not severall torments of themselues, but adiuncts to this, to encrease the paine. The *Eculeus* was sometimes called [e] *lignum tortorium:* sometimes [f] *stipes noxialis*. The torturing engine called *Fidicula* was not much vnlike. *Fides* signifieth the string of any musicall instrument, and the engine had its name from the strings and cords wherewith men were tortured vpon it; of this [g] *Turnebus* writeth. *Fidiculæ quæ in tormentis numerantur, mihi videntur lascivia quadam ioci nomen invenisse, quod vt in fidibus nervi ita eum quoq; vt nervi hinc & inde: multis funibus homines distendebantur.* The torment ἐχινισμὸς vsed by the *Gracians*, was either this same or very like.

d Sigon. de Iud. l. 3. c. 18.

e Sozom. hist. Eccles. lib. 5.

f Prudent. in hymno Vincent. Martyr.

g Turneb. adu. lib. 4. c. 3.

CAP. 8.

Cap. 8.

De rupe Tarpeia dejectio. De lapide empti. A furca redempti. Scala Gemonia. Tunica. Damnatio in gladium, in Ludum, ad bestias.

MAlefactors for notorious offences were tumbled downe headlong from a certaine rock in the *Tarpeian* Mount: This kinde of punishment was called either simply *Dejectio à saxo*, or *Dejectio è Tarpeia rupe*. In some cases notwithstanding, by the intercession of friends, or some other meanes, pardons were sometimes obtained for the condemned persons, whereby they were freed from death howsoever the disgrace and infamy cleaued ever after vnto them, and therefore they were tearmed *de lapide empti*: which phrase [b] *Cœlius Rhodiginus* hath paralleld with that, *à furca redempti*, that is, *saued from the gallowes*. In the *Aventine* Mount was a place of like nature, called *Scala Gemonia*: certaine staytes whether condemned persons were dragged, & so cast headlond into the riuer *Tiber*. *Cœlius Rhodiginus* seemeth to be of another opinion: [i] who describing this punishment, saith, that an hook was thrust into the malefactors throat, and so hee haled by the Executioner vnto these stayers, where hauing his thights broken he was burnt. Furthermore he addeth, that they were called *Scala Gemonia*, or *gradus Gemonij*, because, as some are of opinion, the first that suffered this kinde of punishment his name was *Gemonius*: or as others would haue it, because it was *locus gemitus, & ejulatus*. If wee admit that malefactors were here burnt, then may we thinke this punishment *ad Scalas Gemonias* to be the same, which sometimes was called *Tunica*. The reason of which name was, because persons thus to be burned, were clad with a coat dawbed in the inside with pitch and brim-

[b] Cœl. Rhod. ant. lect. cap.

[i] Cœl Rhod. lib. 10. cap. 5.

stone. Thence is that of [k] *Seneca, Cogita illam tunicam alimentis ignium & illitam & inflammatam.* This giueth light to that of *Iuuenal. Sat. 8. Tunica punire molesta.*

[k] Sen. ep. 14.

[l] *Tertullian* also mentioneth it in this sense. To these may bee added two other punishments vsually inflicted vpon fugitiue seruants, but yet not so restrained vnto them, as that they were not sometimes extended to other malefactours. The first is *Damnatio in gladium.* A condemning one into a fence-schoole, there to be trained vp in the art of fencing, vntill some publike prizes were plaied, at what time such a condemned person was to fight for his life. [m] *Capitolinus* calleth it *Ad gladij ludum deputationem.* But *Vlpian*, as [n] *Lipsius* elsewhere obserueth, differenceth these two phrases thus. He that was *ad gladium damnatus*, was either presently put to death, or else at farthest within the compasse of an yeare: but he that was *damnatus in ludum*, had not death so peremptorily sentenced vpon him, if he scaped the danger of those publike prizes, & alwaies got the vpper hand of his aduersaries, at three yeares end, he receaued the *Rudem*, or wand, which was a token of discharge from those bloudy combats: yea at fiue yeares end, he receaued the *Pileum*, or cap, which was a token of his infranchisement or freedome in the citty. The second sort was *Damnatio ad bestias.* A condemning of a man to fight for his life with beasts; as with Beares, Leopards, Lions, &c. The persons thus condemned were tearmed [o] *Bestiarij.* A memorable example thereof wee haue in a certaine *Roman* seruant called *Androclus*, [p] who hauing runne from his master liued in a wildernesse, and whiles hee rested himselfe in a denne, there came a fierce Lyon vnto him, moaning and grieuing because of a stumpe of a tree which stucke fast in his foot; *Androclus* at first beganne to bee affrighted, but the Lion comming neerer and neerer vnto him, and laying his foot on the mans lap, intimated his desire of helpe from him, which when the man perceaued, he plucked out the stumpe, and gaue him what ease he could. Afterward this fugitiue being

[l] Tertul. ad Martyr.

[m] Vid. Lipſ. Satur. l. 2 c. 3.

[n] Lipſ Satur. lib. 2. cap. 23.

[o] Alex. ab Alex. lib. 3. cap. 5

[p] A. Gel. lib. 5. cap. 14.

being apprehended & adiudged to this punishment, it happened that this very Lion was brought into the shew-place for *Androclus* to fight with, where insteed of a fierce onset, the Lion vsed a tame and familiar fawning on him, whereupon the spectators admired, and vnderstanding the former passages betweene *Androclus* & the Lion, they released the servant and freed him from his punishment. Where wee must note that this pardon was extraordinary [q] for vsually if any so condemned happened to ouerthrow a beast or two, yet was he not thereby discharged, but was to encounter with others vntill he were killed. Yea it was very seldome that the man could prevaile gainst the beast, on the contrary one Lion hath prevailed against two hundred men; according to that [r] *Fractâ adhuc vnâ leo ducentos bestiarios*. By which we see many mẽ one after another did thus fight with beasts at the same meeting: yea the [s] *Graecian*, called such as succeeded the first combatants ἐπεισάρτους the Apostle S. *Paul* calleth them ἐσχάτους, because they were reserved vntill the last. [t] *Tertullian* readeth that place in this sense, and the words themselues enforce as much, for what shall we vnderstand by θέαμα ἐπεισόδιον but the very spectacle or shew it selfe, and what by ἀναδείξει, which signifieth properly *Ostendit*, but allusion to him who was the chiefe author and exhibiter of these bloody spectacles vnto the people. [u] *Lipsius* hath paralelld that phrase of *Tully*, *Ostendere munus*, with that of *Suetonius*, *proponere munus*; both signifying the setting forth or bestowing the sight of such masteries, and fightings. And that it was no vnvsuall kinde of Martyrdome in times of the primitiue Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who reioyced to be grownd betweene the teeth of wild beasts, that he might bee found pure bread. Whose words were [x] *Frumentum sum Christi, & per dentes bestiarum molor, vt mundus panis Dei inveniar*: yea the word ἐπισυναλίσθη, *morti addictus*, helpeth this interpretation: the word intimateth

[q] H. Salmuth. in Pancirol. de veter. Iudis.

[r] Cic. in orat. pro Sestio.

[s] Suid. in voce. ἐπεισάρτους.

[t] 1. Cor. 4. 9.

[u] Tertul. lib. de pudicit.

[u] Lips. Sacur. lib. 2. cap. 18.

[x] Iren. adverſ. hæreſ. l. 5. c. 28 Euseb. hist. eccl. 3. c. 33.

that there was a ſure death remained for them alſo, though the laſt. The cuſtome being in the morning to commit men with beaſts, but thoſe ἰσχαλοὶ which remained till noone-tide, and were therefore called *Meridiani*, were committed each againſt other, and that without any defenſiue weapons, with ſwords in one hand cutting, and with the other hand being empty, graſping and tearing each others fleſh, ſo that [2] *Seneca* ſpeaking of this, comparing it with that former fighting with beaſts, ſaith. *Quicquid ante pugnatum eſt, miſericordia fuit.*

[y] Suet. Claud. cap. 34.

[z] Senec. ep. 7.

Cap. 9.

Ergaſtulum. Ergaſtula inſcripta. Piſtrinum, Damnari in Antliam. Metallum. Inſcripti. Stigmatici. Literati. Virga. Flagella. Talio.

THE ſtate and condition of ſervants was various and different amongſt the *Romans* in old time, but of all they were moſt miſerable who lived in priſon. Whence thoſe that were ordinarily imployed in theſe priſon ſeruices, they were either ſuch ſervants as were bought for that purpoſe, or ſuch as for notorious crimes were adiudged thereunto in way of puniſhment, whence the word *Ergaſtulum* is iuſtly deriued from the Greek Ἐργάζομαι because it is τόπος ἐν ᾧ οἱ δεσμῶται Ἐργάζονται: *locus in quo vincti operantur.* For even in the day time when they were ſent forth to work they had ſhackles and bolts about their legs to prevent their eſcapes or running away, though not ſo bigge as thoſe into which they were caſt at night when they returned into priſon. Their fetters or bolts are oftentimes in ancient writers (peradventure from the forme of their links) tearmed *Annuli* & themſelues ſaid to haue *pedes Annulatos.* They had alſo their foreheads marked or burned with ſome letters of infamy, which is the reaſon of *Iuvenals* Epitheton. *Inſcripta ergaſtula.*

Quem

Quem miré adſciunt inſcripta ergaſtula. The labours in which they were imploied, were ſometimes digging, delving, and tilling the ground: ſometimes digging of quarry pits, ſometimes grinding with an handmill, ſometimes drawing water: this latter kinde of puniſhment in [m] *Suetonius* his phraſe is *In Antliam damnari.* Thoſe Criticks who for the word *Antlia* doe ſubſtitute *Anticyra*, or *Andia*, or ſuch like names of Ilands, doe vtterly faile of the Autors ſcope, and drift; for the puniſhment which *Suetonius* ſpeaketh of, is ſome ſtrange or vnvſuall puniſhment: now ſeeing that Senatours themſelues were often exiled, it could not ſeeme ſtrange that *Roman* knights ſhould bee baniſhed into forreigne lands. But this was a matter vnvſuall, and vnheard of, that a *Roman* knight ſhould be imployed in ſuch drudgeries. Againe the word *Antlia* fitly denoteth ſuch a kinde of labour, whether we reſpect its Etymology ἀπὸ τῦ ἀντλᾶν; or its ſignification in Latine autors, it being vſed by them to ſignifie a great bucket, or water-ſcoupe to draw vp water. Thus *Martial.* *Curta laboratas antlia tollit aquas.* The handmill is often expreſſed by the latine word *piſtrinum*, a word frequent in Comicall Autors. It much reſembled our **Bride-well** or place of correction, being called *piſtrinum a pinſendo*, from pounding. For before the vſe of mills was knowne, the *Romans* did pound their corne in a great morter, calling the place where they pounded it *piſtrinum*: whereupon our hand-mill hath retained the ſame name to this day. And becauſe of the great paines that men did ſuffer in pounding, as likewiſe the ſtrict diſcipline vſed towards ſervants thus puniſhed (for [n] their neck was thruſt into a certaine wooden engine called *pauſi cape*, made for the purpoſe leaſt happily in time of grinding they might eat of the meal) hence grew a cuſtome among them, that when a ſervant had offended his maſter, he would menace him in this manner. *In piſtrinum te dedam.* I will caſt thee into **Bride-well**. The puniſhmẽt *Metallum* was not much vnlike: the digging in Met-

[m] Suet. Tiber. cap. 51.

[n] Turn adv. lib. 4. cap. 13.

tall-mines, and working in metall houſen, appeareth not only to haue beene a baſe and ſervile, but alſo a very laborious and painefull worke, whence it was eſteemed a grievous puniſhment to be adiudged to Metall workes, or caſt into a Metall-houſe. And either for the encreaſe of ſuch mens paines, or for to keepe thē from eſcapes, they were enforced to worke with their ſetters and geiues about them, as is implied by *Vlpian*, [o] who makes the difference betweene theſe two phraſes: *Damnari in metallum*, and *Damnari in opus metalli*, to be thus; that the firſt ſort did weare heavier & greater ſetters then the laſt. How true the diff rence is I leaue it to the enquiry of others, but that it was a great and infamous puniſhment [p] *Tertullian* witneſſeth, in that ſpeech of his againſt the Heathen people. *De veſtris ſemper æſtuat carcer, de veſtris ſemper metalla ſuſpirant*. Sometimes th re was only ignominy and diſgrace intended in their puniſhments, of which ſort was the bearing vp and downe the *Roman Furca* in the market place, or elſewhere in publike view, whereof I haue ſpoken in the chapter *Furca*: likewiſe a branding of the Malefactor with ſome infamous letter in his forehead or hand, or ſome other part of the body. Whence [q] *Pliny* calleth ſuch ſervants *Inſcriptos*. Generally they are called *Stigmatici* from στίζω, which ſignifieth to brand with markes; As *Nebula ſtigmaticus*, A rogue burnt in the hand; or any way marked: ſometimes ſuch are called *Literati*. The *Athenians* being enimies to the *Samij*, as often as they tooke them captiues, they did vſe thus to burne them for Rogues, which occaſioned that proverbiall ſcomme; *Samio neminem eſſe literatiorem*.

o Vid. Cæl. Rhodig. l. 19. cap. 5.

p Tertul. apolog cap. 44.

q Plin. l. 18. c. 3.

r Cæl. Rhod. lib. 7. cap. 13.

Sometimes beſides the diſgrace there was alſo toileſome paines as appeared by their *Ergaſtula*; & ſometimes to their paines ſtripes added: though I deny not, but that many times, correction with ſtripes was a preparation for death it ſelfe. This correction by ſtripes was twofold, either it was *Verberatio*, or *Flagellatio*: the firſt was with rods called

Virga

Virgas the other with scourges called *Flagella*. That there was a difference betweene *Virgæ* and *Flagella*, is plainely by *Tully*, where by way of Ironie he saith, *Portia lex virgas ab omnium civium corpore amovit; hic misericors flagella retulit.* Both of them were counted servile, so that Freemen were ordinarily exempted from them, as appeareth.[m]

[m] Ter. Adelph Act 2. scen. 1.

—— Ad necem operiere loris. Sanne loris liber?

Horace also intimating the servile condition of *Mena* saith:

[n] *Sectus flagellis hic triumvirabilibus.*

[n] Epod. od. 4.

They are called *Flagella Triumviralia*, from those *Triumviri* who formerly I translated Sheriffes, because to them belonged the oversight of this punishment. *Eustathius* calleth them ἀστραγαλωτὰς μάστιγας, *id est*, *Flagra talaria, seu taxillata*, because to augmẽt the paines, they did vsually in these scourges tye certaine hucklebones or plummets of led at the end of the whip-cords or thongs, and such scourges they tearmed *scorpiones*. The cruelty of these scourges was such that they many times died vnder them. Thus haue we generally and briefly touched the more vsuall punishments. But sometimes wrongs done betweene party and party, were punished with a retaliation of the same kinde, according to that. *A tooth for a tooth, and an eye for an eye.* And this kinde of punishing was called *Talio*. Yet wee are to knowe that a simple retaliation, such as is tearmed *Talio Pythagorica*, was not alwaies exacted; but sometimes satisfaction might bee wrought by a commutation of the punishment. [o] *Rem habuit facultatem puniendi, & non necesse habuit pati talionem, si tamen elegisset.* It were endlesse to speake of all the punishments, and happily not worth the labour, their very names being sufficient comments to explaine them. As, *Effossio oculorum. Amputatio membrorum, cruris fractura, Talis fractura*, and such like.

Tholos. in synt iur. vniuers. cap. 11. lib. 31.

[o] A. Gel. l. 11. cap. 1.

LIB. 3. SECT. 4.

Of the Roman Lawes.

CAP. 1.

De Legibus.

HAuing ſpoken of the ciuill Magiſtrates, and puniſhment, we will now alſo deſcend vnto the ciuill law: where firſt we will note among other differences betweene *Ius* and *Lex* principally theſe. Firſt, *Lex* ſignifieth only the law, but [a] *Ius* ſignifieth alſo that place, whereſoeuer the Law or Iuſtice was adminiſtred: not only if it were adminiſtred out of the Tribunall in the *Comitio*, or great hall of Iuſtice, which was tearmed by the Lawyers, *Agere pro Tribunali*: but alſo if it were adminiſtred in a priuate houſe, or in ones iourney, ſo that it were by a lawfull Magiſtrate, and out of the curule chaire; and this was tearmed by the Lawyers, *Agere de Plano*: and hence is it, that *Ius ius vocare* ſignifieth to cite one into the Court. Secondly, *Lex* ſignifieth only the written law, but *Ius* ſignifieth equitie, ſo that [b] *Ius permaneat ſemper, nec vnquam mutetur: Lex vero ſcripta ſæpius*. Notwithſtanding theſe two words are vſed promiſcuouſly one for the other, and therefore leauing all curious differences betweene thoſe words (whether the

[a] Sig. de Iud. lib. 1. cap. 7.

[b] Fr. Syl. in verb. pro Mil.

Roman

Roman lawes were truely *Iura* or *Leges*) thus much wee may obſerue, that the lawes vſed among them were of three ſorts; either they were ſuch as were made by ſeuerall *Roman* kings, and afterward collected and digeſted into a method by *Papirius*, [c] from whence it was called *Ius Papirianum*: or they were ſuch as the *Decemviri* brought from *Athens*, and were called *Leges 12. tabularum*: or laſtly they were ſuch as the *Conſuls*, the *Tribuni plebis*, and ſuch Magiſtrats did preferre, whence every ſeverall law bore the name of him or them that preferred it. My purpoſe is to explaine only this latter ſort, and that not all of them, but ſuch alone as I haue obſerued in *Tully*, and that chiefely in his orations. My proceeding ſhall be firſt to ſhew the diuers kinds of iudgements; and then to deſcend vnto the lawes themſelues, beginning with thoſe which ſhall concerne the *Roman* religion, and then proceeding to the others, which concerne the commonwealth.

c Fr. Sylu. in epiſt. virorum illuſt. l. 5. ep. 11.

Cap. 2.

De Iure publico & priuato.

THE Caſes to bee decided by the law were either publike or priuate; and accordingly were the iudgements, [d] *vel priuata, in quibus ius ſuum priuatus quiſq; perſequebatur: vel publica, in quibus iniuria qua reip. facta erat vindicabatur.* The priuate (as we obſerved before) belonged vnto the *Pratori vrbano & peregrino*, that is, the L. cheiſe Iuſtices, who did either giue iudgement themſelues, and then were they ſaid *Iudicare*, or they did appoint others to ſit in iudgement, and [e] then were they ſaid *Iudicium dare*: in the abſence of the *Prætors* there were ten called *Decemviri Stlitibus iudicandis, id eſt,* [f] *Super lites iudicandas*, who in the ſame manner, as the *Prætor*, might either giue iudgement themſelues, or appoint others, for they were euen in [g] one place

d Sig. de iure Rom. l. 2. c. 18.

e Sig. de iud. lib. 1. c. 7.

f Roſin. ant. l. 7. c. 29.

g Alex. Gen. dier. l. 3. c. 16.

and insteed of *Prætors*. Those which either the *Prætor* or the *Decemviri* did appoint to debate the cases vnder them, were taken out of the *Centumviri*, that is, [h] out of certaine Commissioners chosen for that purpose; namely three out of every Tribe or ward; so that in all, the number of them amounted vnto an hundred and fiue, but in round reckoning they went for an hundred; and from a certaine speare that was wont to be erected vp in token of this court, hence was the [i] Court called either *Prætoria Decemviralis*, or *Centumviralis hasta*: In some cases their forme of acquittance was thus: [k] *Secundum illum litem do*, whence [l] *Tully* saith, *Quo minus secundum eos lis detur, non recusamus*, that is, we doe not deny, but they may be acquitted. Those that were cast in their suit, were said, *Lite vel causa cadere*. The publike Cases belonged ordinarily (except the *Consuls*, the *Senate*, or the people did interpose their authority) vnto those whom we called *Prætores Quæsitores*. Some haue [m] thought them to be the same with those, whom *Rosinus* calleth *Indices Quæstionum* and that I thinke not altogether vpon vnsure grounds: first because most of these publique cases, which they tearmed *Quæstiones*, had their [n] severall *Prætors* to enquire them, whence they were called *Quæsitores*, an may in my opinion be called *Indices Quæstionum*, especially seeing that those which would haue them bee different officers, cannot well shew the difference of their offices. Now as the Vrbane *Prætor* had an hundred commissioners vnder him: so had these *Prætores Quæsitores* certaine Iudges chosen [o] by the Vrban or forreigne *Prætor*, when he tooke his oath; and that not according to his pleasure as many as he would, or whom hee would, but sometimes more, sometimes fewer, sometime only out of the *Senators*, sometimes only out of the order of *Roman* Gentlemen, sometimes out of both, sometimes also out of other orders, [p] according as the law appointed, which oftentimes varied in those points. The Iudges how great soeuer the number was, [q] were called *Indices selecti*, & were divided

h Pet. Ramus. in 2^m de lege Agrar.

i Sid. de Iud. lib. 1. c. 18.

k Sic. de Iud. lib. 1. c. 19.

l Cic. pro Quin. Roscio.

m Rosin. ant. lib 2. cap. 18.

n Sig. de Iud. lib. 2. c. 4.

o Sig. de Iud. lib. 1. c. 6.

p Sig. ibid.

q Sig. de iur. Rom. l. 2. c. 18.

vided into ſeverall companies called *Decuriæ*. Theſe Iudges were vpon any citation from any of the *Praetors*, to giue their aſſiſtance in the Court vpon the day appointed by the *Praetor*. Now the manner how they did proceed in their iudgement followeth in the expoſition of one of the lawes, and therefore I will refer the reader thither. Only let him by the way vnderſtand, that whereas *Tully* is quoted in every law, it is not ſo much for the prooſe of the law, as to ſignifie, that he in that place maketh mention thereof. For the prooſe of the lawes I referre the reader to *Roſinus* and *Sigonius*: touching the expoſitions, my marginall quotations doe proue ſufficient.

Cap. 3.

De Legibus religionem ſpectantibus:

Lex Papiria.

Papirius Trib. Pleb. eſtabliſhed a law touching the conſecration or hallowing of places, that it ſhould bee vnlawfull for any to conſecrate either houſes, grounds, altars, or any other things *Iniuſſu plebis*, that is, without the determination of the *Roman* people in their aſſemblies called *Comitia Tributa*, which determination was alwales tearmed *Plebiſcitum*. Cic. pro Domo.

Roſcia Lex.

L. *Roſcius Otho. Trib. Pleb*, preferred a law, that whereas heretofore the *Roman* Gentlemen did ſtand promiſcuoſly with the commons at their theatrall ſhewes, now there ſhould bee foureteene benches or ſeats built for thoſe *Roman* Gentlemen which were worth H. S. *quadringenta*, that is, about 3125 l. of our *Engliſh* mony. As for other Gentlemen whoſe ſubſtance was vnder the rate, they had a certaine place allotted them by themſelues, with a puniſhment impoſed vpon them, if they offered to come into any of thoſe 14. benches. Cic. Philip. 2. Item pro Murena.

Here wee muſt note that this character H.S. ſtandeth for a ſilver coyne in *Rome* called *Seſtertius*, and is by *Roſinus* in this place improperly vſed for *Seſtertium*. For this character H. S. is by our printers falſe printed, the true character [r] being L. L. S. ſignifying *duas libras*, (as the two L. L. doe intimate) and *Semiſſem*, which is intimated by the latter S. Where if *Libra* doth ſignifie no more then the *Roman* coyne called A S, then is this opinion touching the character LL-S eaſie to bee confirmed. For diuers authors [f] rendring a reaſon of the name *Seſtertius*, ſay it was ſo called *quaſi Semitertius*, that is, ſuch a coyne as containeth *Duos ſolidos aſſes & ſemiſſem*. This *Seſtertius*, was ſuch a common coyne among the *Romans*, [t] that *Nummus* and *Seſtertius* became at length one to be vſed for the other; [d] *Mille huiuſmodi ſeſtertii vel nummi faciunt vnum ſeſtertium in neutro genere, & conficiunt plus minus viginti quinq; coronas.* According to which rate, *quadringenta ſeſtertia* amounteth to 3125: and every particular *Seſtertius* is according to this rate, in value three halfe-pence farthing *q*.

[r] Fr. Matur. in Philip. 2.

[f] Cht. Hegendorphius in Verrinam 1.

[t] P. Nannius in Verrin. 5.

[d] Ch. Hegendorphius in Verrin. 5[m].

And here wee may fitly obſerue the art of numbring by theſe *Seſterces*, which conſiſteth in three rules. Firſt, if the numerall or word that denoteth the number be a noune adiectiue agreeing in caſe gender & number with the ſubſtantiue *Seſtertius*, then it ſignifieth preciſely ſo many *Seſtertij*: For example ſake; *Decem ſeſterty* doe ſignifie ſo many times i^{d} *ob* q^{a} *q*. Secondly, if the numerall being an adiectiue, and of a different caſe, be ioyned with *Seſtertium* in the genitiue caſe plurall, then doth it note ſo many thouſand *Seſtertij*: For example, *Decem ſeſtertium* ſignifyeth ten times 7^{l} 16^{s} 3^{d}. Thirdly if the numerall ioyned with *Seſtertium* be an adverb, then it ſignifieth ſo many hundred thouſand *Seſtertii*, *ex. gra*: *Decies ſeſtertium*, doe ſignifie ten hundred times 7^{l} 16^{s} 3^{d} Yea the numerall being an aduerb, is oftentimes put ſimply by it ſelfe, without the addition of any other word to ſignify in the ſame manner, the genitiue caſe *Seſtertium* being vnderſtood

ſtood. For the better conceauing hereof, the former example may bee thus ſet downe.

	valent		De noſtro	
Decũ ſeſtertij		10 *Seſtertios*		0000^{l} 01^{ſ} 6^{d} ob q^{a}
Decẽ ſeſter. tiũm		10 *Millia ſeſtertium*		0078 02 6 o o
Decies ſeſtertiũm		10 *Centena Millia*		7812 10 o ● ●
Decies		*ſeſtertium*		

Clodia lex.

Publius Clodius Trib Pleb. made a law, by vertue where-of the Prieſt called *Peſſinuntius ſacerdos* (from the place where he did firſt exerciſe thoſe holy rites in the honour of the mother Goddeſſe) ſhould be depriued of his Prieſthood, and the Temple built in the honour of this Goddeſſe ſhould he beſtowed vpon *Brotigarus*, of *Gallo Gracia*. Cic. pro Sext. item de Aruſp. reſpon.

Domitia lex.

Cn Domitius Abenobardus Trib. Pleb. enacted a law, that the Colledges of Prieſts ſhould not as they were wont, admit whom they would into the order of prieſthood, but it ſhould be in the power of the people. And becauſe it was contrary to their religion, that Church-dignities ſhould be beſtowed by the common people, hence did he ordaine, that the leſſer part of the people, namely ſeaventeene Tribes ſhould elect whom they thought fit, and afterward hee ſhould haue his confirmation or admiſſion from the Colledge. Cic. Agrar.

Lex incerti nominis de vacatione ſacerdotum.

Cicero in his orations mentioneth a law (not naming the author thereof) whereby the Prieſts were priviledged from their ſervice in all warres, except onely in vproares or civill tumults. [x] And theſe priviledges were tearmed *Vacationes*. Cic. Philip. 8. & pro Font. x B. Lacomus in Philip. 7.

Cap. 4.

De Civitate, & iure civium Rom.

Forcia lex de civitate.

Cic. pro Rabir. & sæpe alias.

M. *Porcius Trib. Pleb.* eſtabliſhed a law, that no Magiſtrate ſhould beate any *Roman* Cittizen with roddes.

Lex Sempronia.

Cic. pro Cluentio. & ſæpe alias.

C. Sempronius Gracchus Trib. Pleb. preferred a law, whereby hee diſabled the Magiſtrate from puniſhing any *Roman* Cittizen, either with rods, or with his axe, that is, with death, without the allowance of the people. Secondly, by vertue of this law, If any Magiſtrate did condemne any *Roman* cittizen *Indicta causa* he ſhould be liable to the iudgement and cenſure of the people. A third clauſe to this law was, *Ne quis coiret, conveniret, quo quis iudicio publico circumveniretur Indicta causa*. He was ſaid to bee condemned *causa indicta*, whieh was condemned before hee had ſpoken for himſelfe. Although *y Indicere pro non dicere, ſicut & invidere pro non videre vix reperiatur, tamen indictum & invisum, pro non dicto, & non viſo ſæpe reperiuntur*. *z They were properly ſaid *Coire*; which did worke vnderhand againſt a man, that he might be condemned; we may tranſlate it in this place, to Conſpire *a The verbe *Circumvenio* doth commonly ſignifie as much as *Circumſcribo*, to deceaue or cheate one: but in this place, to oppreſſe one with falſe iudgement, procured by bribery or confederacy.

y P. Ramus in orat. pro Rabirio.
z Fr. Sylv. in orat. pro Cluentio.
a I. Camerat in orat Cic pro L. Flacco.
b Fr. Sylv. in orat. pro Cluentio.
Cic. pro Balb.

Lex Papia de peregrinis.

The priviledges of the *Roman* cittizens became ſo great, that almoſt all the inhabitants of the confederate nations, would forſake their one dwellings, and vſe meanes to become free deniſons in the *Roman* citty; inſomuch that the Embaſſadours of the Allies, and aſſociates, did grieue much and

and complaine of the losse of their inhabitants: whereupon a law was made by *Papius*, that all forreigners & strange commers should be expelled out of the Citty. To the same effect was *Lex Iunia*, and also *Licinia Mutia de peregrinis*: the first being preferred by *Mar. Iunius Pennus*: the second by *L. Licinius Crassus, and Q. Mutius Scævola.* Cic. offic. l. 3.

Servilia lex de civitate.

C. Servilius Glaucia preferred a law, *Ut si quis Latinus*, If any of the Latine associates could proue an action of bribery against a *Senatour*, then should he be made a free-man of the Citty. Cic pro Balb

Quis Latinus] Here wee will obserue with [c] *Sigonius*, that the Latine people were not alwaies called *Latini & Italici: Sed & socij, & Latini socij & socij nomine Latini, & socij nomen, Latinum, & socij ab nomine Latino, & socij ac Latinum dicti sunt.* c. Sig. de iure Ital. l. 1. c. 2.

Sylvani & Carbonis lex de peregrinis.

Sylvanus and *Carbo* being *Tribuni Pl.* preferred a law, *vt qui foederatis civitatibus adscripti essent, si tum, cùm lex ferebatur, in Italia domicilium habuissent, ac sexaginta diebus apud praetorem professi essent, cives Romani essent.* Cic pro Archia.

Adscripti.] For the right vnderstanding hereof wee must note, that there were [d] two sorts of citizens; some *cives nati*, that is, citizens by birth, others *civitate donati*, that is, citizens by donation, or gift: who because they were added vnto, and registred with the first sort of cittizens, were thence called *Adscripti cives.* d. Fr. Sylv. in orat. pro lege Manil.

Professi apud praetorem.] This verbe *profiteri* is sometimes [e] *Comitiale verbum*, and signifieth as much as *profiteri nomen*, that is, to tender ones name vnto a Magistrate: and this construction it beareth in this place. e. P. Ramus in or. Cic. Agrar. 2.

Cornelia de Municipijs.

L. *Cornelius Sylla* preferred a law, that all *Municipall* states should loose their freedome in the *Roman* citty, and also their priviledge of hauing commons in the *Roman* field. Cic. pro Domo.

Gellia

Gellia Cornelia lex.

L. Gellius Publicola, & Cn. Cornelius Lentulus being Consuls decreed a law, that all those private persons vpon whom *Cn. Pompeius* in his wisdome should bestowe the freedome of the *Roman* cittizens, should ever be accounted free denisons.

Cic. pro Balb.

Cap. 5.

De legibus ad comitia spectantibus.

Ælia lex.

Ælius Petus asked a law in time of his Consulship, *vt quoties cum populo ageretur*, that is, as often as any *Roman* Magistrate did assemble the people to giue their voices, the *Augures* should obserue signes and tokens in the firmament, & the magistrate should haue power *obnunciandi, & intercedendi*, that is, to gainsay and hinder their proceedings.

Cic multis in locis.

Ageretur cum populo.] Here wee may note the difference betweene these two phrases, *Agere cum populo*, and *Agere ad populum*. [f] He was said *Agere ad populum*, whosoever made any speech or oration vnto the people, and this might bee done vpon any day indifferently, But then only was it said *Agi cum populo*, when the people were assembled to the giving of their voices by a lawfull Magistrate, and the people were demanded what their opinion was in the matter proposed: and this could not bee done, [g] but vpon one of those daies which they called *Dies Comitiales*.

f A. Gell. l. 13. cap. 14.

g Bersman. de vet. dier. ratione ad finem. Ovid. Fast. Cic. in suis orat sæpe.

Fufia Lex.

Pub. Furius sive Fusius Philus. being *Consul* ordained a law, that vpon some certaine daies, although they were *dies Fasti*, that is, Leet-daies, yet no Magistrate should summon an assembly.

Clodia

Clodia Lex.

P. Clodius Trib. Pl. abrogated both those former lawes, making it vnlawfull to obserue signes and tokens in the heavens, vpon those daies when the *Roman* people were to bee assembled: And secondly, making it lawfull to assemble the people vpon any Leet-day whatsoever. Cic. pro Sext.

Gabinia lex.

At first, for many yeares the *Roman* people in their assemblies did suffrage *Viuâ voce*: at which time many of the inferiour sort, gaue their voices contrary to their wills, fearing the displeasure of those that were of higher place. For the better helpe in this point, *Gabinius* asked a law, that the people in all their elections might not suffrage *Viua voce*, but by giuing vp certaine tablets, the manner whereof hath beene formerly shewne: whence both this, and all other lawes tending to this purpose haue beene called *Leges tabellaria*. Cic. 3. de leg.

Cassia Lex.

After *Gabinius*, *Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by rendring such tablets: [h] but this is to bee vnderstood onely of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mercements. Cic. in Lælio. h Rosin. ant. lib. 8. c. 3.

Cœlia lex.

Cœlius Trib. Pl. established a law, that not only in mulcts and mercements, but also *In perduellionis iudicio*, that is, in taintments of reason against any person of state (namely such as were *sacro sancti*) or against the common-weale, this *Tabellary* liberty should haue place, when the people should iudge thereof. Cic. 3. de leg.

In perduellionis iud.] [i] This word *perduellis* doth signify an enimie vnto the state, a traitour: and hence commeth this word *perduellio*, signifying not only the crime of treason, but the punishment also due therevnto, [k] *Si crimen quod erat gra-* i Cœlius Sec. Curio in orat. pro Milone, k Sig. de iud. lib. 3. c. 3.

Vissimum inter crimina, nempe immunita maiestatis: si pœna, quæ erat acerbissima, nempe mortis.

Papiria lex.

Cic, de leg. 3. *C. Papirius Carbo Trib. Pl.* perswaded that not only in their elections, but in the proposall of their lawes also, this suffraging by tablets should be vsed.

Sempronia lex.

Cic. multis in locis. *C. Sempronius Gracchus Trib. Pleb.* preferred a law, that the Associats of *Latium* should haue as great right of suffraging, as the *Roman* citizens.

Manilia lex.

Cic. pro Mur. *C. Manilius Trib. Pl.* preferred a law, that all those who were *Libertini*, in what tribe or Ward soever, should haue the right of suffraging.

Cap. 6.

De Senatu & Senatoribus.

Claudia lex.

Cic Verrin. 7. *Q. Claudius Trib. Pleb.* perswaded a law that no *Senator* or *Senators* father, should haue any shippe, which should containe aboue three hundred of those measurers called *Amphora* deeming that sufficient for the transportation of their corne from the *Roman* field. Secondly, by this law the *Senatours* were forbidden the vse of trading.

] Alex Gen. dier. l. 2. c. 20. *Amphora,*] *Alexander Neopol.* obserueth two sorts of these measures, namely *Amphora Italica* containing 2 *Vrnas* & *Amphora Attica* containing 3 *Vrnæ*: every *vrna* contained two gallons and a pottle. This in probability is vnderstood of the *Italian Amphora.*

Cic. Philip. 1. *Tullia lex.*

When as a custome had growne, that many of the *Senators* hauing by speciall fauour obtained *Liberam legationem*, vpon

vpon all occaſions would abuſe that their authority, procuring thereby their priuate gaine, & the increaſe of their owne honour, then *M. Tullius Cic.* being *Conſul* laboured, quite to take away theſe kindes of embaſſages, which though hee could not effect, yet thus farre he prævailed; That whereas in former times this *Libera legatio* being once obtained, was neuer (not through a mans whole life) taken from him againe, yet afterward this autority ſhould never bee granted to any longer, then the ſpace of one yeare.

Legatio Libera.] We may obſerue in ancient autors three ſeuerall kindes of embaſſages. The one, which is a meſſage ſent from the Prince or chiefe gouernours of one countrey vnto another, and that is expreſſed commonly by this one word *Legatio*, without any addition therevnto; ſometimes it is called *Legatio mandata*. The ſecond, which is when one purchaſeth the title of an Embaſſadour, thereby the more honourably to performe ſome vow made, whence it was called *Legatio votiua*. The third is the office or title of an Embaſſadour, granted vpon ſpeciall fauour vnto a *Senatour*, that hee might with the greater authority proſecute, his priuate ſuits in law, or gather vp his debts in that Prouince whether he went, this laſt was tearmed *Legatio libera*. All three ſorts are briefly touched by [m] *Toxita*.

m M. Toxita in orat. Phil. 1.

Cap. 7.

De Magiſtratibus.

Cornelius Sylla being *Dictator*, made a law, that all ſuch as would follow him in the ciuill warre, ſhould be capeable of any office or magiſtracy before they came vnto their full yeares. A ſecond part of this law was, that the children of ſuch as were *proſcripti*, ſhould bee made vncapeable of the *Roman* magiſtracies. Cic. in Piſon

Before they came to their full age.] For *L. Villius* preferred a law, whereby he made such as were vnder age, to bee vncapeable of the city preferments: and those he accounted vnder age, who had not attained vnto that number of yeares which he had prescribed each severall office: [a] and this law was tearmed *lex annalis*.

a P. Ramus, in Agrar. 2.

Proscripti were such persons as were banished. For the fuller vnderstanding, looke Proscription in the tract of punishments. *Iulius Cæsar* did contrary to this law. *Admisit ad honores & proscriptorum liberos. Sueton. Iul.* 41.

Hircia lex.

Cic. Phil. 13. *A. Hircius* made a law, that all those that followed *Pompey*, should bee made vncapeable of all places of office.

Cornelia lex.

Cic. Phil. 2. *L. Cornelius Sylla* finding the *Prætores*, that is, the L. chiefe Iustices not to giue sentence alwaies according to equitie, yea sometimes to goe quite contrary to their owne Edict, made a law, that every L. chiefe Iustice should administer iustice according to that his first Edict, hanged vp at the beginning of his office. And addition vnto this law was, that the L. chiefe Iustice should not be absent out of the city aboue ten daies.

Clodia lex.

Cic. pro Sext. In former times it was lawfull for either of the *Censors* to censure whom he pleased, and how he pleased, except his fellow *Censor* did plainely gainesay it, and make opposition therein. But many abusing this their authority. P. *Clodius Trib. Pl.* made a law, that the *Censors* should not ouerskippe any in their election of *Senatours*; neither should they brand any with disgrace, except such as had beene accused vnto them, and beene condemned by them both.

Valeria lex.

Cic. Verrin. 4. The office of a *Dictator* at the first institution continued but six months space, vntill *L. Valerius Flaccus* being *Interrex*

rex, in the vacancy of the *Conſuls* preſered a law, that L. *Cornelius Sylla* ſhould be a perpetuall *Dictator*.

Cornelia lex.

L. Cornelius Sylla in the time of his *Dictatorſhip*, did by vertue of a law preferred by him, clip the authority of the *Tribuni Pl.* diſabling them of bearing any office after the expiration of their *Tribuneſhip*, taking away their authority of preferring lawes, of vſing any ſolemne ſpeech or publike oration vnto the people, of hearing appeales, of hindring any ſtatute, or decree tending to the hurt of the populacy. Cic. 3. de leg.

Cap. 8.

De Legibus.

Cæcilia Didia lex.

Q. *Cæcilius Metellus*, & *Titus Didius* being *Conſuls*, forbad that *Vna rogatione*, that is, in one and the ſame bill many things ſhould bee propoſed vnto the people: leaſt by that meanes, the people by granting the whole bill, might grant ſomething which they would not, or in denying the whole bill, might deny ſome particular clauſe which by it ſelfe they would haue accepted. Moreouer theſe two *Conſuls* ordained, that before a law ſhould be asked in the aſſemblies it ſhould be promulged, that is, hanged vp to the publique view of the people three market daies, Cic. pro domo ſua ad pontif.

Iunia Licinia lex de trinundino

Iunius Silanus, and *L. Licinius Murana* being *Conſuls* eſtabliſhed that law of *Cæcilius* & *Didius*, annexing a more ſevere puniſhment for the breakers thereof. Cic. Philip. 5.

Clodia lex de interceſſione.

P. Clodius Trib. Pleb. made a law, that the *Trib. Pl.* ſhould haue full authority, and power to propoſe lawes; neither ſhould they be hindred by the *Interceſſion*, that is, gainſaying of any. Cic. pro Sext.

Licinia Æbutia lex.

Licinius and *Æbutius* being *Trib. Pl.* ordained that if any preferred a law touching the ouerſight, the charge, or cure of any buſineſſe in hand; neither he, nor any fellow-officer with him, nor any allied vnto him ſhould haue his ouerſight, or charge committed to him.

Cic. pro domo ſua ad pont.

Cap. 9.

De Provincijs.

Sempronia de Provincijs.

C. *Sempronius Gracchus Trib. Pleb.* ordained, that the *Senate* every yeare before the election of their *Conſuls*, ſhould as it ſeemed beſt to them, appoint out what Provinces the *Conſuls* now to be elected, ſhould after the expiration of their office goe vnto; for which Provinces afterward the *Conſuls* deſigned ſhould caſt lots. Another clauſe to this law was, that whereas in former times by a decree from the Senate, it was lawfull for the *Tribunes* to hinder the *Roman aſſemblies*, hence forward they ſhould haue no authority.

Cic. de prou. conſularibus.

Cornelia de Provincijs.

L. Cornelius Sylla being *Dictator* preferred a law, that whoſoeuer went into a province *cum imperio*, *tam diu illud imperium retineret, quoad in vrbem reverſus eſſet*; where as in former times his rule and gouernment was to be reſigned at the expiration of a ſet time appointed: yea although no ſucceſſor were ſent, yet could he not continue there *cum imperio* without a new commiſſion. A clauſe added vnto this law was that after the comming of any new *Preſident* or Gouernour into the Province, the old *Prouinciall Preſident* ſhould depart within thirtie-daies.

Cic. ep. 9. ad Lentul.

Eſſe cum imperio.] that is, [p] *Exercitui praeſſe*, [q] *vel habere ius adminiſtrandi, & ſuis auſpicijs gerendi belli.*

[p] Sig. de iur. Prou. l. 3. c. 13. [q] Sig. eiuſd. l. cap. 6.

Titia

Titia lex de Provincia.

Titius, or (as r some saye) *Decius* preferred a law, that the provinciall Treasurers called *Quæstores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia* being the better Province fell vpon *Seruius Sulpitius*, yet in as much as it is fell *Lege Titia*, that is, by casting lots, he could not therefore challenge any superiority aboue *L. Murænа*, *Sed vtriusq; nomen euasit in Quæstura*, that is, their fame and renowme was equall in their *Quæstorship*. Cic. pro L. Muræn. r Melancth. in orat. pro Muræna.

Iulia lex de Provincijs.

C. Iulius Cæsar established two lawes touching the *Roman* Provinces: one that no *Prætor* should goueme a Prouince aboue twelue months; nor *Proconsul* aboue two yeare. The severall heads or clauses of his second law could not all be found out, but those which haue come to light are these. First that *Achaia*, *Thessalia*, and all *Græcia* should bee free, neither should any *Roman* Magistrate sit in iudgment in those Provinces (*Ic pro domo*) Secondly, that the Provincial gouernours and their *Comites*, that is, assistants, or attendants should haue hay, and all other necessaries provided them on the way, by those Townes and Villages through which they passed. (*Cic in Pison.*) Thirdly, that the provinciall Magistrates at their departure, should leaue a booke of their accounts in two Cities of their Province, and likewise should send a coppy of their accounts vnto the *Roman* Treasure-house (*Cic. in Pison.*) Fourthly, that it should neither be lawfull for the people to bestow, nor for the provinciall Magistrate to receaue *Aurum coronarium* vnlesse it were in a triumph. (*Cic. in Pison.*) Lastly, that it should be vnlawfull for the Provinciall Magistrate without the allowance of the people or the *Senate*, to depart out of their province, to lead forth any army, to wage warre, or to goe into any forraine country. (*Cic. in Pison.*) Cic. Philip. 1.

Aurum coron.] There was a custome among the *Romans* in { Lipſ. de mag. Rom. l. 2. c. 5.

in times of victory to preſent vnto the L. Generall Coronets of gold, inſteed wherof the after-ages preſented a certaine ſumme of mony, which was thence called *Aurum coronarium*.

Vatinia de Provincijs.

Cic, pro Balb. P. *Vatinius Trib. Pl.* procured a law, that *Iulius Cæſar* ſhould haue the gouerment of *Gallia Ciſalpina* and *Illiricum* for fiue yeares ſpace, without any decree from the *Senate*, or caſting lots. Secondly, that they alſo ſhould goe as Legates, or L. Deputies vnto *Cæſar*, without any decree from the *Senate*, whoſoeuer were nominated in that law. Thirdly, that *Cæſar* ſhould receaue mony out of the common Treaſure-houſe towards hauing an army. Laſtly, that hee ſhould tranſplant a Colony vnto a certaine towne of *Ciſalpina Gallia*, called *Nouocomum*.

Clodia de Provincijs,

Cic. pro Dom. P. *Clodius* being *Trib. Pleb.* procured a law, that the goverment of *Syria*, *Babylon*, and *Perſia* ſhould be committed to *Gabinius*. The gouerment of *Macedonia*, *Achaia*, *Theſſalia*, *Gracia*, and all *Boetia* ſhould bee committed vnto *Piſo*; and they ſhould receaue to geather with an army, mony out of the common Treaſurie towards their iourny.

Clodia altera de Cypro.

Cic, pro Sext, P. *Clodius* preferred another law, that the Iland *Cyprus* ſhould be made a Prouince. That *Ptolomæus* the king of *Cyprus* ſitting in his purple, with his ſcepter & other his princely ornaments, *Præconi publico ſubijceretur, & cum bonis omnibus publicaretur*, that is, ſhould himſelfe with all his goods be ſold by a common cryer. That *M. Cato* being then Treaſurer, *cum iure Prætorio, adiecto etiam Quæſtore*, hauing by commiſſion the office of a L. chiefe Iuſtice, and another Treaſurer to accompany him, ſhould be ſent into the Iland *Cyprus*, both to make ſale of the kings goods and eſtate, and alſo to bring backe the mony. Laſtly, it was decreed by this law, that thoſe who lived in exilement at *Byzantium* being condem-

condemned for ſome capitall crime, ſhould be brought back vnto the citty, vnder the name of *Romanes*.

Praconi publico ſubijceretur.] For the better vnderſtanding of that phraſe, we are to vnderſtand the manner of port-ſale amongſt the *Romanes*: which wee may read in *Sigonius* thus. Thoſe things were rightly ſold in port-ſale, which were publikely ſold *Per praconem ſub haſta*, that is, by the cryer vnder a ſpeare ſticked vp for that purpoſe, and ſome Magiſtrate making good the ſale by deliuery of the goods. Whēce I take *Publico praconi ſubijci*, and *Haſtæ ſubijci*, to ſignifie one and the ſelfe ſame thing, namely, to be ſet at ſale: and [t] *Cicero* vſeth almoſt the ſelfe ſame phraſe, *Bona Cn. Pompeij, voci acerbiſſimæ ſubiecta præconis*. This kinde of ſale was tearmed *Auctio*: becauſe as *Sigonius* ſaith in the ſame place, to him the goods were ſold, *Qui plurimum rem augeret*, that is, which would bid moſt for it: and hence is the ſeller thereof tearmed *Auctor*, as [u] *Cic. Id quod à malo auctore emiſſent*, that is, that which they had bought of one which had no authority to ſell: and from this cuſtome of ſetting vp a ſpeare in this kinde of ſale, this word *Haſta* alone is vſed to ſignifie port-ſale, as [x] *Haſta Cæſaris*, the ſale of *Cæſars* goods. Thoſe who bought theſe goods [y] *Tully* doth call *Sectores* [z] *quia ſpem lucri ſui ſectabantur*. In ſuch kinde of ſales a catalogue or note of the good to bee ſold was hanged vp in tables for the publique view of paſſengers. Whence ſuch goods were tearmed *ſuſpenſa bona*. And if any friend would redeeme the goods, then did he *deijcere libellos*, that is, put in bands and ſecuritie to anſwere the matter. The phraſe is vſed by *Tully Cic. pro Quintio*. And alſo by *Seneca, de benef. lib. 4. cap. 12. Suſpenſis amici bonis libellū deiicio, creditoribus eius me obligaturus*. It is thus explained by *Turnebus adv. l. 12. cap. 9*. If the ſale proceeded on, then ſuch as propoſed to bee chapmen, ſignified their deſire by holding vp their finger: whence *Digitum Tollere* ſignifieth the deſire of buying ſuch goods. *Alex. ab Alex. lib. 4. cap. 26.*

t Cic. Phil. 11.

u Verrin. 7.

x Cic. Phil. 8.

y Cic. in Ver.

z Sig. de iud. lib. 2. cap. 24.

Cap. 10.

De legibus Agrarijs.

THoſe lawes were tearmed *Leges Agrariæ*, which did concerne the diuiſion of the publique, or common fields. And theſe were either giuen by *Romulus* and other Kings; or taken from the enimies, or from priuate men which had made incloaſures; or laſtly bought out of the common Treaſurie. *Vid.* [a] *Sigon.*

a Sig. de iur. Ital. l. 2. c. 2.

Sempronia lex Agraria.

Cic. pro Sext. *Titus Sempronius Gracchus Trib. Pleb.* preferred a law which forbad, that any of the *Romans* ſhould haue to his owne part aboue fiue hundred acres of the common fields, the one halfe of which it was lawfull for his ſonns to enioy. If it had ſo hapned that any ſhould enlarge theſe common fields, three ſuruayers called the [b] *Triumviri agro diuidundo*, did mark out which was common, which priuate ground. Moreouer it was by this law prouided, that the mony of king *Attalus* who made the people of *Rome* his heire might be beſtowed vpon thoſe cittizens, which had by this law obtained a part of the common fields, to the buying of inſtruments for husbandry. Moreouer that the kings lands ſhould be farmed out at a ſet rent by the *Cenſors*, whence an yearely tribute ſhould be paid to the people.

b Sig. de iure Ital. l. 2. c. 6.

Cornelia lex.

Cic. in Rullū. *L. Cornelius Sylla* being *Dictator* preferred a law, that all the fields of thoſe *Romans* which he had baniſhed, ſhould be common. This publication is to bee vnderſtood cheifly of thoſe fields in *Thuſcia*, neere vnto the Citty *Volaterræ*, & the citty *Feſulæ*, which grounds *Sylla* diuided amongſt his ſouldiers.

Cap. 11.

Cap. II.

De frumentarijs legibus.

Sempronia lex.

Sempronius Gracchus being tribune of the commons prouided, that a certaine quantity of corne ſhould monthly be giuen vnto the poorer ſort at a low price. *Semiſſe & triente*: that is, about ſix pence farthing a buſhell. Hereupon was there a place appointed in *Rome*, for the keeping of this common corne, together with certaine lawes hanged vp there called *leges frumentarie*. This place was called [c] *Horrea Sempronia*. The quantity of corne laid vp in euery Citty for this purpoſe is by the latter Lawyers tearmed *Canon*: as *Canon Alexandrinus*, *Canon vrbis Roma*. *&c. vid. Struck. de conviv. lib. 1. c. 35.* Cic. pro Sext. c Roſin ant. lib. 8. c. 21.

Semiſſe & triente] It appeareth by the next law, that *Semiſſis* in this place, muſt ſignifie the ſame as *ſemis aeris* doth there. Whereby wee may note, that *ſemiſſis* doth not alwaies ſignify the halfe part of the *Roman* coyne called *As*, but ſometime it ſignifieth a greater coine valuing almoſt our ſixpence.

Cledia lex.

P. *Clodius Trib. Pl.* ordained, that that corne which heretofore was ſould to the poore *ſemis aeris & trientibus in ſingulos modios*, that is, for ſix pence farthing a buſhel, ſhould hereafter be giuen *gratis*, & the charge and ouerſight of this dole was committed to *Sext. Claudius.*

Terentia Caſſia

M. Terentius and *C. Caſſius being Conſuls* preferred a law, *Vti altera decuma à prouincijs coemerentur, pretio in ſingulos modios H S trium conſtituto. Item vt ciuitatibus aequaliter imperaretur, pretio in ſingulos modios H S quatuor conſtituto.* Cic. pro Sext. in Piſone. Cic. Verrin. 5. & 7.

For the better vnderſtanding of this law, wee muſt note [d] a threefold tithe payd by the Provinces. The firſt was the tenth part of the graine, growing in the Prouince to be paid in *grasis*, and that was properly called *Decuma*, or *frumentum Decumanum*, and thoſe that tooke this tithe to rent were called thence *Decumani*. A ſecond ſort of tithes was a certain quantity of corne taken vp for the L. Preſident or chiefe gouernour of the Prouince, to keepe his houſe, & that was called *Frumentum æſtimatum*, that is corne gathered vp by way of taxation: for ſo this word *æſtimo* comming from *æs* doth ſignifie, [e] *Eſt autem æſtimare ab ære dictum, id quod vulgo dicunt appreciare & taxare.* The third ſort of tithes, was when the *Senate* finding ſcarcity of corne in *Rome*, did inioyne the Prouinces to ſell them a quantity of corne at a price ſet downe by the *Senatours* themſelues, and this corne ſold vpon iniunctiõ if it was paid but once in the yeare, it was tearmed *Frumentum emptum*: but if in the ſame yeare a ſecond ſale was inioyned them, then they called that ſecond pay *Frumentum imperatum*. In the firſt clauſe of this law by [*altera decuma*] is meant *Frumentum emptum*; in the ſecond clauſe, by theſe words [*ciuitatibus aqualiter imperaretur*] is vnderſtood *Frumentum imperatum*.

d Sig. de iure Prou. l. 1. c. 1.

e Fr. Sylv. in orat. pro Cluentio.

Lex Hieronica.

Cic. Vetrin. 4. *Hiero* king of *Sycily* obtained a law, wherein was ſet down the quantity of corne that the *Aratores* or country farmers ſhould pay vnto the *Publicani*, that is: thoſe which receaued the tithes, together with the time of payment and the price agreed vpon.

Cap. 12.

De legibus ſumptuariis ſiue cibariis.

IN ancient times there was a commendable frugality among the *Romanes* in their feaſts, but after ages grew to immoderate exceſſe therein, ſo that whole Goates and Boares

Boares &c. were ſet on the table at one time. Such a hogge thus dreſſed *Cincius* was wont to call[a] *Porcum Troianum*, alluding to the *Troian* horſe; becauſe the belly thereof was ſtuffed with variety of fowle and rabbats, & ſuch like, as the *Troian* horſe was with armed men. This kinde of exceſſe *Tiberius Caſar* laboured to redreſſe, by ſeruing at table his cold halfe-eaten diſhes at ſolemne feaſts, vſing this proverb[b] *Dimidiatus aper omnia eadem habet quæ totus.* Hence alſo men of ſeuerer diſcipline enacted lawes tearmed *Leges ſumptuariæ*, or *Cibariæ*, which preſcribed a moderation, not onely for the charges in their greateſt feaſts, that they ſhould not exceed ſuch and ſuch ſummes of mony, but alſo for the gueſts to be inuited, that they ſhould not exceed ſuch a number. The chiefe of theſe lawes were theſe that follow.

a Stuck de conviv. lib 3. c. 3.

b Suet. Tibet. 34.

Lex Orchia.

C. *Orchius* being protector of the commons, by the conſent of the *Senate*, the third yeare before *Cato* was *Cenſor*, preferred a law, whereby he only moderated the number of gueſts, without any limitation of the charges or ſuperfluous expence at feaſts.

Lex Fannia.

Twentie two yeares after *Orchius* his law C. *Fannius* being *Conſul* enacted another, for the moderating of expences, allowing: *Non plures denis aſſibus* to bee ſpent in their ordinary feaſts: But vpon thoſe more ſolemne feaſts dedicated vnto *Saturne*, and from thence called *Saturnalia*, likewiſe when any publique games were exhibited to the *Roman people*, he then allowed *Centum aſſes*, ordaining that no other fowle ſhould then be dreſſed but only one henne, & that not fatted for the purpoſe.

Non plures denis aſſibus] The *Roman* coyne *As* was ſo called[c] *quaſi æs*, becauſe the matter thereof was *braſſe*; [d] at firſt it conſiſted of a full pound weight; afterward in the firſt *Punick* warre, by reaſon of the ſcarcity of mony, they made of euery pound of braſſe ſix of thoſe coynes, each valuing as much

c Varro lib. 4. de ling. Latina

d Plin. l. 33. c. 4

much as they did at first. In the second *Punick* warre there were twelue made of euery pound; at last by vertue of a law which *Papirius* enacted, foure and twenty were made of a pound; and so they continued; the value alwaies remained the same, *videl:* ob.q^a. so that to allow but ten of these to a feast, seemeth a matter altogether vncredible, but consider with the frugality the cheapnes of those times, it may bee grаunted for a truth; [c] for tenne of these were the price of a sheepe, and an hundred the price of on oxe.

[c] A Gel.l.11. ap.1.

Lex Didia.

Eighteene yeares after *Fannius*, *Didius* ordained that the former sumptuary lawes should bee of force, not onely in *Rome*, but throughout *Italy*; Moreouer that not only the feast-master transgressing, but all the guests should be liable to the penalty.

Lex Licinia.

P. Licinius Crassus preferred a law in a manner agreeing with the *lex Fannia*, whereby hee rather confirmed *Fannius* his law being now antiquated, then made an new.

Lex Cornelia.

Cornelius Sylla being *Dictator* ordained a law for the price of meates, so that he was thought by cheapnes of vittayles to encrease, rather then to restraine superfluities at feasts.

Lex Antia

Antius Restio preferred a vsefull law, to moderate expenses in feasting, which notwithstanding was violated, and in a manner abrogated, by the contrary practise of the Citizens in generall. For which cause, *Restio* afterward being invited, would neuer come to any feast, because he would not be an ey-witnesse of the contempt of that law, which himselfe had caused. If any desire to see more lawes of this nature, let him read *Stuck. conviv. lib.1.cap.3. Aul. Gell. lib. 2. cap. 24.* And *Macrob. Saturn. lib. 3. cap. 17.*

Cap. 13.

De re militari & bellis.

Gabinia lex.

A *Gabinius Tr. Pl.* preferred a law that the managing of the warre against the Pyrates should be in such manner committed vnto *Pompey* for three yeares space, that over the whole sea betweene *Hercules* his pillars, and in the maritime prouinces vnto the foure hundreth *Stadium* from the sea, hee should haue power to command any Kings, L. Presidents, or whole corporations to furnish him with all things necessary to that warre. Cic. pro lege Manilia.

Manilia lex.

C. Manilius Trib. Pleb. perswaded a law, that the managing of warre against *Mithridates* should be committed vnto *Cn. Pompeius*. That the whole Province where L. *Lucullus* ruled together with his whole armie should bee resigned vp vnto him. Moreouer that *Bithinia*, where *Glabrio* ruled, should be added, together with all those bands and forces, which he had vpon the sea against the Pyrats, and all those prouinces, over which the law *Gabinia* did entitle him gouernour, as *Phrygia*, *Licaonia*, *Galatia*, *Cappadocia*, *Cilicia*, *Colchis superior*, and *Armenia*. Cic. pro lege Manilia.

Cap. 14.

De Tutelis.

THis word *Tutela* doth signifie a wardship, guardianship, or protection of a child in his nonage: whereof *Camerarius* obserueth foure sorts, & wee may with *Pedacius* adde the fift. Either the ouerseers were appointed by will; or else the next of the kinne were ouerseers; or the magi- †I. Camerar. in orat. pro L. Flacco.

magistrate did appoint whom he thought fit: and these three sorts [g] *Omphalius* calleth thus: the first *Testamentariam*, the second *Legitimam* the third *Datinam*. The fourth sort *Camerarius* calleth *Tutelam fiduciariam, qua eorum est, qui emancipati desijssent esse agnati.* the fift [h] *Pellitarius* calleth *Tutelam honorariam*, namely, when as the office of administration is committed to others, but yet certaine chiefe ouerseers were appointed to see the will performed, who were called *Tutores honorarij*. [i] Where wee must note, that the law provided ouerseers, not for children vnder age only, but for women also.

[g] I. Omphal. in orat pro Cæcinna.

[h] Pellitarius pro Cæcin.

[i] Cic. pro Muren.

Emancipati desijssent esse agnati] By the *Roman* law every sonne was in such subiection vnto his father, that before hee could be released of this subiection, and made free, he should by an imaginary sale [k] be sold three times by his naturall father to another man, who was called by the lawyers [l] *Pater fiduciarius*, that is, a father in trust; yea and be bought againe by the naturall father, and so manumised by him, and then he became free. The forme of this kind of sale or alienation is set downe more at large in the explanation of one of the lawes that followeth, with an example not much vnlike this. This imaginary sale was called *Mancipatio*, the children thus alienated from the father were tearmed *Emancipati*, this forme of setting free was tearmed *Emancipatio*. This *Fiduciaria tutela* then, in my opinion was thus. That when any goods did fall vnto a child thus alienated, by the death of his father, then should not the oversight of this child fall vnto the next of the kinne, tearmed *Agnati*, but *Quoniam desijt esse agnatus* that is, because he had in a manner lost his alliance with his kindred, therefore should the ouersight of the child belong vnto the father in trust, tearmed *Pater fiduciarius*, whence the gardianship it selfe was called *Tutela fiduciaria*.

[k] Vid. leg. 12. tabul.

[l] Sig. de iure. Rom. l. 1. c. 10.

Latoria lex.

C. 3. de offic.

This law made by *Latorius* prouided, that there should be ouerseers appointed for those which were distracted, or did

did prodigally waſt their patrimonie. For, as it appeareth by the common adage, *Ad agnatos & Gentiles deducendus eſt*, they did account all prodigals, mad men: they meaning no more by that, then we doe by our engliſh prouerb, when we ſay of a ſpend-thrift: let him be begged for a foole. The reaſon of their adage was, becauſe if any were diſtracted, by the *Roman* law his wardſhip fell *Ad agnatos & Gentiles*, that is, to the next of the kindred.

Cap. 15.

De Teſtamentis.

BEfore we deſcend vnto the lawes themſelues, we will explaine thoſe three diuers ſorts of wils in vſe amongſt the *Romans*. Namely *Teſtamentum calatis comitijs*; which was ſo called, becauſe twice in the yeare in time of peace the *Roman* people aſſembled themſelues together to this end and purpoſe, that if any would make his will, the whole people might beare witneſſe therevnto: theſe aſſemblies were tearmed *Calata comitia*. Secondly *Teſtamentum in procinctu*, that is, when a ſouldier in time of warre ready to giue battle, did call out three or foure of his fellowes, and in the audience of them did by word of mouth pronounce his laſt will and teſtament. Thirdly, *Teſtamentum per emancipationem familiæ*, that is, by making ouer his goods and poſſeſſions vnder a fained forme of ſale, vnto a ſecond party called *Hæres fiduciarius & imaginarius*, that is, an heire in truſt, who ſhould afterward reſigne them vnto the true & lawfull heire: and this imaginary kinde of ſale, was performed with certaine ſolemnities *circa æs & libram*, and alſo the ſale it ſelfe was ſometimes called *Nexus*, as likewiſe *Emancipatio*. Hence was the will ſometimes called *Teſtamentum per æs & libram*, ſometimes *Teſtamentum per Nexum*. For the proofe of this, which hath been deliuered, touching the three ſorts of wils I

will referre the reader to [m] *Sigonius.*

m Sig. de iure Rom. l. 1. c. 12.

Furia lex.

Cic. Verrin. 3. *C. Furius Trib. Pleb.* made a law, that it ſhould not be lawfull for any to giue a way in way of legacy, vnto any, except to the kinſmen of him which manumiſed him, or ſome other certaine perſons *ſupra mille aſſes*, that is, aboue fifty ſhillings or there about, there going two *Aſſes & ſemis* to the making of one *Seſtertius.*

Voconia lex.

Cic. Verrin. 3. *Q. Voconius Saxa Trib. Pleb. tulit legem, Ne qui cenſu eſſet, virginem, neve mulierem ſupra quadrantem ſuorum bonorum heredem inſtituret, plusve cuiquam legaret, quam ad heredem, heredeſve perveniret.*

Cenſus.] This word *Cenſus* doth ſometimes ſignifie all ſuch as haue tendred the iuſt valuation of their eſtate vnto the *Cenſors*: and then *Incenſus* is oppoſite to it, ſignifying ſuch an one, as hath not tendred his eſtate or name to be regiſtred by the *Cenſors*. But in this place *Cenſus* is taken for ſuch a rich man, whoſe eſtate was in the *Cenſors* book valued at on hundred thouſand *Seſterces.* (*Vid. Aſconium in Verrin. 3.*)

Supra quadrantem ſuorum bonorum] that is, No woman ſhould be heire to more then one quarter of ſuch a rich mans goods. For the right conceauing of this, we muſt note with [n] *Latomus*, that the whole inheritance (were it neuer ſo great) was tearmed *As*, and that was diuided into twelue parts, which the lawyers called *Vncia: Dua Vncia dicebantur Sextans, tres Quadrans, quatuor Triens, quinq; Quincunx, ſex Semiſſis, ſeptem Septunx, octo Beſſis, novem Dodrans, decem Decunx, vndecim Deunx, Totum As, vt dictum eſt*, Againe every *Vncia* was diuided into ſix parts called *Sextula: Dua ſextula Duellam, tres Semunciam faciunt.* So then according to the lawyers (as [o] *Alexander* obſerueth) if there were one heire alone inſtituted, he was tearmed *Heres in Aſſem totum inſtitutus*; if otherwiſe there were many co-heires, then was it according

n Barth. Latom. in orat. pro Cecinna.

o Alex. Genedier. l. 1. c. 1.

cording as the *Teſtator* did appoint. Some were *ex Deunce haredes*, that is, heires to eleven parts of his goods, there being but one part beſtowed from him: ſome were *haredes ex quadrante*, that is, heires to one quarter of his goods: others were *Haredes ex ſemuncia*, that is, they had the foure and twentieth part: others were *Sextula aſperſi*, that is, they had the threeſcore and twelfe part of the whole *As*, that is, of the whole inheritance, be it more or leſſe, &c. Here we muſt vnderſtand, that there is great difference betweene theſe two phraſes, *Inſtitui hares in totum Aſſem, & ex toto Aſſe*. For all thoſe, which were nominated *Haredes*, whether it were *ex Dodrante, Quadrante, vel Semuncia*, or howſoeuer, yet were they tearmed *Haredes ex toto Aſſe*, that is, they were not *Legatarij*, ſuch as receaued legacies. Now none can be ſaid *In totum aſſem inſtitui*, but he which is the alone and ſole heire vnto the whole.

Cap. 16.

De vſu-capione.

Atinia lex.

Atinius made a law, that the plea of preſcription or long poſſeſſion ſhould not availe in things that had beene ſtolen, but the intereſt which the right owner had in thoſe ſtolen goods, ſhould remaine perpetuall. The words of the law are theſe: *Quod ſurreptum eſt, eius rei aterna auctoritas eſſet.* Whereby [p] *auctoritas* is meant *ius dominij*. This crime of theft, as likewiſe of vſury, was ſo odious vnto the *Romans*, that whoſoever was found guilty thereof was condemned [q] *Lege quadrupli*, that is, to pay foure times as much: whence the informers againſt ſuch, were tearmed *Quadruplatores*.

Cic. Verrin. 3.

[p] Sig. de iure Rom. l. 1. c. 11.

[q] Fr. Sylv. in Verrin. 1.

Cap. 17.

De Iudicibus, & Iudicys.

Lex accusatoria.

Cic. pro Mur. TVlly mentioneth a law tearmed *Lex accusatoria*, which in truth was no law, neither was there any author thereof: but there was such a receaued custome amongst the *Romans*, that the accuser should obiect against the party accused, not onely the present crime then questioned, but all other scapes and faults committed long before to the bettering of his matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*. vid. *Franc. Sylvium in orat. pro Mur.* [r] Their custome also was to procure others to ioine with them in their accusations; those [s] *Tully* calleth *Subscriptores*, because they did subscribe vnto the accusation.

r Alex. Gen. dier. l. 3. c. 5.
s Cic. pro Murœn.

Lex Servilia & Sempronia.

Curio in orat. pro Scauro. Whereas *Sempronius* had preferred a law, whereby hee tooke away the authority of sitting in iudgment from the *Senatours*, and appropriated it to the *Roman* Gentlemen; *Q. Servilius Capio* being *Consul* did afterward preferre another law, whereby the administration of iudgement was diuided betweene the Senatours and the Gentlemen.

Rupilia lex.

Cic. in Ver. t Sig de iure Prou. l. 2. c. 5. *Rupilia lex vetabat diebus triginta sortiri dicam.*] Here we must note with [t] *Segonius*, that this law was of force only in the prouince of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action, another *sortiri dicam*, that is, by lots to choose the Iudges, which was 30. daies after.

Livia lex.

Cic de orat. l. 3 Though by vertue of *Servilius* his law the *Senators* were made capeable of the office of a Iudge, yet they were not thereby

thereby equally capable with the Roman Gentlemen: and therefore did *M. Liuius Drusus* ordaine, that the Iudges should be elected equally out of both orders, namely three hundred out of the *Senate*, and three hundred out of the Gentry.

Plautia lex.

M. Plautius Syluanus preferred a law, that the number of Iudges should be chosen not onely out of the *Roman Senators* and Gentlemen, but out of the populacy also, namely out of euery Tribe fifteene Iudges. Cic. pro Cornel.

Aurelia lex.

L. Aurelius Cotta being *Prætor* made a law, that the Iudges should be chosen out of the *Senators*, the Gentlemen and those Martiall Treasurers or Clearks of the band called *Tribuni ærarij*. Cic. in Verr. sæpe.

Pompeia lex.

Cn. Pompeius Magnus being Consul ordained, that the Iudges should be elected out of the wealthiest *Centuries*, tying the election notwithstanding to those three degrees of people, namely *Senators*, Gentlemen, and Martiall Treasurers; also hee added that the number of Iudges to examine causes should be seauentie and fiue. Cic. in Pison.

Iulia lex.

C. Iulius Cæsar ordained, that the election of Iudges should be out of the *Senators* and Gentlemen onely, leauing out the Martiall Treasurers; and this *Tully* calleth *legem Iudiciariam Cæsaris*. Cic. Philip. 1.

Antonia lex.

M. Antonius tulit legem, vt tertia iudicum decuria è Centurionibus, Antesignanis, Alaudis, Manipularibus fieret. Cic. Philip. 1. & 5.

Iudicum decuria: When the L. chiefe Iustice had taken his oath, he chose out some *ex certis ordinibus, non ex omni populo*, that is out of such degree and place, as the law required, to sit in iudgement on those cases, which were tearmed *causæ publicæ*: and these Iudges hee afterward diuided into lesser

numbers called *Decuria. vid. Sigon. de iure Rom. lib. 2. c. 12.*

E Centurionibus.] *Centuriones* were Captaines ouer an hundred footmen.

Anteſignanis.] This word *Anteſignanus* hath a double acception in the *Roman* hiſtories. Sometimes *Anteſignani* doe ſignifie the third part of the *Roman* army: For all thoſe ſouldiers that fought before the banners or enſignes, as they were called *Haſtati* in reſpect of their weapon, ſo were they called *Anteſignani* in reſpect of their enſignes, before which they fought. The ſecond part of the army, as they were called *Principes* in reſpect of their proweſſe and valour, ſo were they called *Subſignani*, as fighting vnder the enſignes. The third part; as they were called *Triarij*, becauſe they fought in the third, or rereward, ſo were they called *Poſtſignani*, as fighting behind the enſignes. Where we muſt not think, that thoſe which were called *Anteſignani* and *Subſignani*, were altogether deſtitute of enſignes among themſelues: (for euery Maniple had his enſigne:) But the Eagle, and other chiefe enſignes were carried by the *Subſignani*, and in reſpect had to them they had their names. And hence ariſeth the ſecond acception of this word, namely that all thoſe ſouldiers of every Maniple, which ſtood in front before their enſigne were called *Anteſignani*, and thoſe were commonly the beſt ſouldiers in the company. See for the ſeuerall proofes of this, *Lipſ. milit. Rom. lib. 2. dial. 3.*

Alaudis.] *Iul. Cæſar* preſſed a legion of ſouldiers out of *Gallia Tranſalpina*, all which afterward hee made free of *Rome*. This legion he called *Legionem Alaudarum*, from the forme of their helmets, which did reſemble the head of the Larke, called in French *Alauda. Barthol. Latomus in Phil. 1.*

Manipularibus.] Thoſe Captaines which gouerned a Maniple of ſouldiers, were called *Manipulares. Fr. Maturantius in Phil. 1.*

Lex Cincia de donis & muneribus.

M. Cincius being protector of the Commons, *M. Cornelius*

ius Cethegus, and *P. Sempronius Tuditanus* being *Conſuls* preferred a law, that no man ſhould receaue gift or bribe from his client for pleading his cauſe. Of this we read in *Plautus*, and he called it *Legem muneralem*: alſo in *Tully de Senect.*

Cornelia lex.

L. Cornelius Sylla preferred a law, that the chiefe iudge of the bench called *Iudex Quæſtionis*, ſhould referre it vnto the choice of the defendant, whether he would haue iudgement paſſed on him *Clam an Palam*, that is, (as *Sylvius* obſerueth either by voices or by tables. Cic. pro Cluentio.

Memmonia lex.

This law (made by *Memmius*) prouided, that no action ſhould be entred againſt thoſe, who were imployed abroad in buſineſſes for the common-wealth. An addition vnto this law was, that whoſoeuer ſhould *calumniari*, that is, forge an accuſation againſt another, a certaine letter ſhould be burnt in his forhead in token of infamy. This law is ſometimes called *Lex Rhemnia*. Here we may with [u] *Fr. Sylvius* obſerue the difference of theſe three phraſes, *Calumniari*, *Prævaricari*, and *Tergiuerſari*. He which doth in his accuſation forge faults neuer committed, is ſaid *Calumniari*. Hee which vndertaketh ones ſuit, and either will not vrge reaſons in the behalfe of his client, or anſwere the obiections of his aduerſary when he is able, is ſaid *Prevaricari*, that is, to play the falſe *Proctour*. He which doth reſiſt in his accuſation, and let his ſuit fall, is ſaid *Tergiuerſari*. Cic. in Vatin. Cic. pro Sext. Roſcio. u Fr. Sylv. in orat pro Cluentio.

Lex incerta de Nexu.

In ijs rebus quæ mancipi ſunt; in periculum iudicij præſtare debet, qui ſe nexu, obligauit, that is, if the buyer of any thing in that forme of ſale calld *Nexus* be troubled in law, the ſeller thereof muſt ſecure him, and ſaue him harmeleſſe. Cic. pro Mur.

Mancipi ſunt] [x] Thoſe things were tearmed *res Mancipi*, which were alienated from the ſeller *Nexu*, that is, by ſuch a forme of ſale as followeth. The forme was thus: At the leaſt fiue witneſſes, all *Romane* Citizens and of full age, beſides x Fr. Sylv. in orat pro Mur.

fides one called *Libri-pens* (from holding of a paire of ballances) should be present: and the chapman or buyer should come with a certain brasse coyne in his hand, and say (for example sake, if it were a bondslaue to be sold) *Hunc ego hominem ex iure Quiritium meum esse aio, isq; mihi emptus est hoc ære*; & forthwith stricking the ballance with the brasse coyne he gaue it to him that made the sale. This kind of chaffering was tearmed *Nexus*, as wee may suppose *à nectendo*, because it did binde the seller to make good the sale: [y] sometimes it is called *Per as & librum venditio*, because of the ceremonies vsed in it. [z] Now it is commonly called *Mancipatio* [a] *à manus capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are vied to signifie a bondslaue, that is in this manner solde; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* vseth this phrase, *Lex Mancipij*, to signifie a clause or condition put in the sale. All things sold after this manner were tearmed *Res mancipi*; [b] The word *Mancipi* being a nowne indeclinable, as *Frugi, Cordi, Huiusmodi &c.* and from this forme of sale, the morgaging of land for the payment of mony may seeme to be called *Mancipatio fiduciaria*; He which did thus receaue the morgage, or land in way of securitie, is said *accipere fiduciam. Cic. orat. pro L. Flacco.* Vpon which place saith *Lambinus* in his annotations. *Accipere fiduciam, est fundum, aut aliam rem soli. seu vt appellant immobilem, ab aliquo mancipare, seu accipere ea lege, vt cum ille repetat ei remancipet.* We may conteet the reason of these ballances, why they should be vied in this kinde of bargaining, to be, because in old time they did not bargaine by paying coined mony, which was called *Æs signatum*, but by paying a certaine waight of mony, whence such mony was tearmed *Æs graue*. And hence it is, that metaphorically we translate *Pendo* and *rependo*, to pay and repay.

y Sylv. ibid.

z Melan. in orat pro Mur.

a I. Camerar. in orat. pro Muræn.

b Priscian l. 3. vid. Fr. Sylv. in orat. pro Mur.

c Alex. Gen. dier. l. 1. c. 15.

CAP. 18.

Cap. 18.

De Maiestate.

Lex Varia.

Q. *Varius Trib. Pl.* made a law, that the *Praetores Quæsitores* should sit in iudgement vpon those, by whom the Allies or Associates had beene moued to attempt warre against the *Roman* people. Cic. pro Cornel.

Iulia lex.

C. Iul. Cæsar ordained, that such as were condemned of treason, or causing vproares in the common wealth, should bee banished. Cic. Philip. 1.

Cap. 19.

De ambitu.

THose lawes were tearmed *Leges de ambitu*, which were made against indirect or vnlawfull courses vsed in canvasses for offices.

Fabia de ambitu.

This *Lex Fabia* restrained the number of those poore men who because they were wont to follow vp and downe, & all the day to attend such as did stand for offices, were thence called *Sectatores*.

Acilia Calpurnia.

M. Acilius Glabrio, and *C. Calpurnius Piso*, being *Consuls* made a law, that such as were conuinced of sinister and vndirect meanes vsed in their canvasses, should be fined at a certaine summe of mony set on their heads, and they should be made both vncapable of bearing office, and vneligible into a *Senators* place. Cic. pro Muræn.

Senatus consultum de Ambitu.

Cic. pro Mur. *M. Tullius Cic.* and *C. Antonius* being *Consuls*, a certaine decree was made by the *Senate*, that if such as did either salute or attend vpon those which stood for offices, were hired by any manner of reward; or if any publike prizes were occasioned to be plaid; or any publike feasts made by them, they should be liable to the censure of *Calpurnius* his law.

Tullia lex.

Cic. pro Sext. *M. Tullius Cic.* made a law, that no man standing for an office should cause any publike prize to be plaied, within two yeares that he either had stood, or should stand for an office, vnlesse the day had formerly beene appointed by some will. *Item*, he ordained, that *Senators* being found to haue vsed vnlawfull meanes for the attaining of any office, should suffer ten yeares exilement. And the commonaltie offending in that point, should be punished with an heauier punishmẽt then the law made by *Calpurnius* laid on them. An addition vnto this was, that if any being cited to his answere in the court of their vndirect meanes, *Si morbum excusaret*, that is, If hee did vrge his sickneſſe for his not appearance, then should he vndergoe a penaltie.

Si morbum excusaret] So that *Tully* here seemeth to cut of that liberty which the twelue tables permitted in these words [*Si Iudex alterve ex litigatoribus morbo sontico impediatur, judicij dies dissisus esto.* that is, If either Iudge, Plaintiffe, or Defendant were sicke, they should *dissidere diem*, *id est*, [d] *proferre & in alind tempus reijcere* prorouge the time of iudgement. And vnlesse some might thinke, that by *morbus sonticus* was meant some strange deseaſe, *Sigonius* inferreth that euery deseaſe is tearmed *Sonticus*, which hindreth vs in the performance of out businesses: *Sontes enim nocentes dicunt.*

[d] Sig. de iud. lib. 1. cap. 18.

Cic. pro Planc. *Licinia de Sodalitijs.*

M. Lucinius Crassus being *Consul*, perswaded, *vt in Sodalitijs Iudices, ab accusatore ex tribubus ederentur.*

Sodalitia

Sodalitia.] In the latter times the *Romans* in their canvasses would gather together a certain company of their side or faction to follow them, tearming them *Sodales*: and these *Sodales* would as it were by violence force the people to suffrage with them, whence the violence offered by them was tearmed *Sodalitia*, *Sig. de Iud. lib. 2. cap. 30.*

Iudices ab accusatore ederentur ex tribubus.] We may read of three sorts of Iudges among the *Romans*, or rather of three diuers kindes of elections of their Iudges. For either they were, *Lectisortitione*, or which more may be seene in one of the lawes following, or *Editione*, by nomination or naming them, the manner thereof being thus; That either the Plaintiffe should choose them all, and then were they called *Iudices editiij*, or the Plaintiffe should choose one halfe, and the Defendant the other, and then were they called *Iudices alterni*, *Melanct hon in Cic. pro Muræn.*

CAP. 20.

De pecuniis repetundis.

FIrst touching the word *Repetunda Sigonius* saith that such mony was tearmed *Pecunia repetundæ qua possent repeti*, which might by the course of law be recouered. Namely such mony as any magistrate, Iudge, or publike officer, did either in the Provinces, or in the Citty receaue as a bribe, from the Allies and Associats, or from the *Roman* cittizens for the administration of Iustice, or the execution of any publike duety: and this kinde of bribe they tearmed *Pecunias repetundas*, *pecuniam ablatam*, *captam*, *coactam*, *conciliatam*, *aversam* (*Cic in Verrinis*) But as it seemeth very probable these lawes against bribery were first occasioned, for the ease and relieue of the *Roman* Provinces and Allies, called in Latine *Socij*, who were much abused in this kinde by the Prov. *Consuls*, *Prators*, and *Quastors*, &c. Whence *Tul-*

ly calleth this law against bribery, *Legem Socialem*. Here also may we note, that [d] *Tully* vseth this phrase, *Pecuniam occupare*, for *Fœnerari*, to put mony to vse. *Occupare pecuniam est collocare, inquit Nonius, id est, Fœnori dare. Vid. Lambin annot. in Cic. orat. pro L. Flacco.*

Cic in orat. pro L. Flacco.

Iunia lex.

M. Iunius Pennus Trib. Pl. preferred a law that no such as were convinced of bribery, *Prater litis æstimationem exilium etiam damnato esset irrogatum.*

Litis æstimationem.] Here we will consider the difference of these three phrases, *Litis contestatio, Litis redeptio, & Litis æstimatio.* [e] The first signifieth the producing of witnesses when both sides shall openly in the court vse the forme of words, *Testes estote*: which was not done, *antequàm satisdationes factæ essent*, before sureties were put in, by the one, that he should *Iudicatum solvere*, pay that which he was condemned: by the other, that he would *rem ratam habere*, that is, stand to the verdict or sentence in the Court. The second phrase signifieth a composition or an argument agreed vpon by both sides betweene themselues: [f] *Redimere lites est pactionem facere; qui enim paciscitur, facit vt lis non sit.* The third is when the party which is cast in the suit is adiudged to pay the mony, or the worth of the goods called in question, together with the cost and dammages in law vnto his adversary. [g] *Litem æstimare est pecuniam, de qua lis fuit, & propter quam cõdemnatus est reus, in summam redigere, quæ de bonis eius redigatur.* [h] And *Æstimare litem est, quod vulgò dicitur, Taxare litis expensas.*

e Sig. de iud. lib. 1. cap. 27.

f Fr. Sylv. in orat. pro Q. Roscio.

g Fr. Sylv. in orat pro Cluentio.

h I. Tusin. in orat. pro Rabirio.

Acilia lex.

M. Acilius Glabrio made a law, that such as were accused of bribery, *Neq; ampliari, neq; comperendinari possent*, that is, they must out of hand receiue iudgement.

For the right vnderstanding of these two words [*Ampliari & Comperendinari*] we must consider the ancient customes and ceremonies vsed by the *Romanes* in handling their suits of

of law. First there was *In ius vocatio*, that is, a citation of one into the Court. Secondly, *postulatio*, that is, a request put vp vnto the *Prator*, that it might be lawfull for the plaintiffe to enter his action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly, *Nominis delatio*, that is, the taking of the Defendants name into the court-booke: and this was tearmed, *Intendere actionem. vel Litem*; and *Diem alicui dicere*, that is, to enter an action against one. In the second of these Acts, namely when request was made by the Plaintiffe vnto the *Prator*, that hee might enter his action against the Defendant; then the plaintiffe did *Vadari reum*, that is, demande sureties or bale from the defendant, that he would appeare vpon the day appointed by the *Pretour*. And the Plaintiffe did againe, *Promittere vadimonium*, enter bond also for his owne appearance vpon the same day, which commonly was the third day following, called properly *Dies perendinus*, and sometimes *dies tertius* simply, as it appeareth by those capitall letters. I. D. T. S. P. vsed to bee written in their actions: which letters [i] *Probus* expoundeth thus: *In diem tertium, sine perendinum*. So that then properly. *Lis vel reus dicitur comperendinari*, when the giuing of sentence is differred till the third day. Moreouer before the *Prator* would suffer the action to be entred, hee would sweare the Plantiffe, that he did not accuse the Defendant *calumniandi causâ*, that is, falsely or maliciously, and this kinde of swearing was tearmed *Calumniam iurare, calumniam deiurare*, and *In litem iurare*. Now if either party were absent from the court vpon the third day, except he were sicke, hee was cast in his suite, and the *Prator* did grant an execution called *Edictum peremptorium*, whereby he gaue authority to his adversary to seaze vpon his goods. Sometimes there were two or three edicts in manner of Processes or writs, before the *Edictum peremptorium*, could be obtained; sometimes it was graunted at the first, and then was it [k] called *vnum pro omnibus*

[i] Sig de Iud. lib. 1. cap. 27.

[k] Sig eiusd. l. cap. 28.

bus. [1] Now if both parties came into the court and did appeare, then were they said *sestitisse*: so that this word *sisto* amongst the lawyers did signifie to shew ones selfe in the court. Vpon the third day the *Prator* also with the whole bench of Iudges did meete, and the *Iudex Quæstionis* (whom *Rosinus* maketh a distinct officer differing from the *Prator*) did cause all the *Select* Iudges to pull out certaine lots, out of an vrne or pitcher brought thither for that purpose, & those Iudges vpon whom the lot fell were to sit in iudgement: This was called *Sortitio Iudicum*. Now if either the Plaintiffe or Defendant did suspect any of those, that they would be partiall, then might he accept against them, and that was called *Iudicum reiectio*: Then the *Iudex quæstionis* would in manner aforesaid choose other Iudges in their places, and that was called *subsortitio*. Which being ended, those Iudges which were thus chosen receiued euery one of them from the *Prator* three tables, the one hauing this letter A written in it, betokening *Absolution*: whence *Tully* calleth it *literam salutarem*: The other hauing this letter C written in it, betokening *Condemnation*: the third hauing these two letters *N. L.* betokening *Non liquet*. After the receipt of the tables, then did the *Prator mittere vel dimittere indices in consilium*, that is, sent them to cast their tables into the vrnes, there being three vrnes or little coffers purposely provided; the one for those iudges which were chosen out of the *Senators*, the other for those that were chosen out of the Gentlemen, the third for those which were chosen out of the *Martiall* Treasurers. Now if they did cast the first sort of tables into the vrnes, then the *Prator* pronounced the defendant absolued, if the second, then he pronounced him condemned; if the third then he pronounced *Amplius cognoscendum*, that they must haue longer time to enquire: And this is properly termed *Ampliatio*, a Repriue and in such manner it is said, *quod lis vel reus dicitur Ampliari*. The proofes for this manner of proceeding in law may be collected out of *Rosinus lib. antiq. 9.*

[1] Sig. eiusd. l. cap. 21.

cap.

cap. 19. 20. & 24. and out of *Sigonius* according to the marginall quotations. The like custome, seemeth to haue beene receaued also among the Græcians, who had three letters of their alphabet, answerable to those among the *Romans*; Θ was *damnationis symbolum*, which occasioned that of *Persius*,

Et potis es nigrum vitio præfigere Theta

T; a token of absolution, A of ampliation. *Vid. Erasm. Adag.* Θ *præfigere.* Some as it appeareth by *Erasm.* giue a reason of Θ, because it resembleth the heart of man wounded in the middest with a dart, others because it is the first letter of θάνατος, signifying death according to that.

Infelix multis theta est mihi littera felix.
Si Θάνατος *scribit scribit & illa* Θεος.

Cornelius Sylla Being *Dictator* ordained a law that the chiefe Iudge called *Iudex Quæstionis* with the whole bench of Iudges should sit vpon life & death on such as had killed a man; on such as had with an evill intent set any place on fire: on such as should walke with any weapon either to kill or rob a man; on such as had either made, bought, sold, had, or giuen any poyson, thereby to kill a man, on any magistrate, whosoeuer should cause any conuenticle or secret assemblies, or should giue their consent to the suborning of any man to accuse another falsely, that thereby he being innocent might be oppressed and condemned by publique iudgement. Moreouer *De eius capite quærito &c.* that is, Let them sit vpon life and death on that man, which shall beare false witnesse, that another might bee condemned to death, on that magistrate or chiefe Iudge, which shall take a bribe to condemne another to death. Cic. pro Cluent.

Parricidium.] This word doth properly signifie onely a murthering of ones parents or kinsfolk, but in *Numa Pompilius* his time it signified as much as *homicidium*, that is any man-slaughter whatsoeuer.

CAP. 21.

Cap. 21.

Lex. 12. tabularum de vindicijs

Si qui in iure manum conserunt, vtriq; superstitibus praesentibus vindicias sumunto.

Si qui in iure.] Here we must note that the custome among the *Romans* in old time was, that as often as any controversie did arise touching the possession of an house, a field, or any such like thing, the *Prætor* did goe vnto the house, field, or the thing questioned being accõpanied thither with the plaintiffe and the defendant, together with others whom the law required to be present as witnesses. This place whersoeuer it were, though in the open field, during the time that the *Prætor* sate there to giue iudgment, was tearmed in Latine *Ius*, in English a Court. Wherein the presence of the *Prætor* and the witnesse, the plaintiffe and Defendant did *manum conserere*, that is, as [m] *Camerarius* supposeth, argue and dispute the case *pro* and *con* in a solemne forme of words prescribed them by the law. For this phrase is borrowed by the Lawyers from the art military, where souldiers are said *manum vel manu conserere*, when they fight hand to hand, [*Vtriq; superstitibus praesentibus*] that is, let both parties in the presence of witnesses (so [n] *Festus* expoundeth *superstites*) [*Vindicias sumunto*] that is, let them take a turffe of the ground: for so [o] *Sigonius* expoundeth *Vindicia*; though properly (as he obserueth) it signified the possession of a thing, rather then the thing possessed. This turffe being taken vp, was carried to the *Prætor*, and iudgment was giuen vpon that, as vpon the whole. I do presume that in other cases, as in taking the possession of an house, &c. some other thing in manner of the turffe was presented vnto the *Prætor*, vpon which as vpon the whole he gaue iudgement. In processe of time, the *Prætor* by reason of the tumult of other imployments; not finding conuenient leasure to review every particu-

m I. Camerar pro L. Murzn

n Rosin. ant. lib. 8. c. 29.

o Sig. de iud. lib. 1. cap. 21. *Vindiciam ferre est sententia decretoq; rem obtinere: Dicebat Vindicias iudex ferebat Vindicias qui rem obtinebat Turneb. adu. l. 13. 27.*

cular ground, or houſe called in queſtion, p it was ordained contrary to the twelue tables, that the plaintiffe in ſuch caſes ſhould come into the court, and challenge the defendant in this forme of words, *Ex iure manu conſertum te voco*, that is, I challenge thee to goe out of the court into the field, to vſe one towards the other that ſolemne forme of words which the law inioyneth. Then did the defendant either yeeld the poſſeſſion of the ground, or elſe did reply. *Vnde tu me ex iure manu conſertum vocaſti, inde ibi ego te revoco*. Then did they both taking witneſſes with them with out the company of the *Prætor* *inire viam*, that is, goe into the ground bringing back a turffe thereof, vpon the which (as in manner ſhewne) the *Prætor* gaue iudgement at their returne.

p A Gell. noct Artic. l. 20. c. 10.

For the better vnderſtanding of this that hath beene ſpoken in the explanation of this law, wee muſt note that the action tearmed *Vindicatio* was twofold: either the ſuit for the poſſeſſion of a thing, or the ſuit for the Lordſhip or right owning thereof. The poſſeſſion of any thing was recouered, either by a true and reall violence, or by a ſeeming violence. This ſeeming violence was twofold, either it was *manus conſertio*, which was ſhewne immediatly before; or *Moribus deductio*, that is, a cuſtomary leading the vnlawfull *poſſeſſor* out of the ground. thereby to enter poſſeſſion. *Vis ſimulata, altera à lege, altera emanavit à moribus*; ſaith q *Sigon*. The firſt of theſe did ariſe from the *Roman* law, the other from a cuſtome amongſt the *Romans*: the firſt of theſe is to be ſeen in *Tully* his oration *pro Murena*, the other *pro Cæcinnâ*. To theſe *Sigonius* addeth a third kinde of ſeeming violence; which how iuſtly he hath tearmed a violence, I ſhall leaue to the indifferent iudgment of the vnpartiall reader. The right of the Lordſhip or owning any thing was ſuied for in this manner: The plainteffe did queſtion with the defendant thus; firſt *An auctor eſſet?* that is, whether he had not couertly made away the poſſeſſion of the thing, thereby to fruſtrate the action. Secondly, *An ſponderet*, that is, whether he would

q De ind. lib. cap. 21.

put in a gage of mony into the court, which he would forfeit if he were caſt; which being done, the plaintiffe did alſo vpon the demand of the defendant put in a gage of mony to be forfeited, if he prevailed not in his ſuit. This gage of money was tearmed [r] *ſacramentum*; and in this ſenſe, *Tully pro Milone*, ſaith, *Iniuſtis vindiciis, & ſacramentis alienos fundos petunt* that is, they ſue for other mens grounds, with vniuſt actions and gages of mony. Thirdly, *An ſatisdaret*, that is, whether he would put in ſurety, that during the triall in law, the ground or houſe called in queſtion ſhould not be impaired. The ſolemne forme of words vſed in the firſt demand, is thus to be ſeene in [s] *Tully*, *Quando in iure te conſpicio, poſtulo anne ſies auctor?* If the defendant held his peace, then was hee adiudged to pay all coſts and damages; if he profeſſed himſelfe the preſent *poſſeſſor*, then did the plaintiffe proceed in manner as he ſhould for the poſſeſſion thereof; if he denied it, then did the *Prætor* ſay vnto the plaintiffe, *Quando negat, ſacramento quarito*: Thereupon ſaith the plaintiffe to the defendant, *Quando negas, te ſacramento quinquagenario provoco: ſpondes ne te ſoluturum quinquaginta aſſes, ſi auctor ſis?* To whom the defendant replied, *Spondeo quinquaginta aſſes ſi auctor ſim: Tu verò ſpondeſne idem, ni ſim?* The plaintiffe anſwered, *Ego quoq; ſpondeo.* Now in this kinde of ſtipulation, the plaintiffe was ſaid *ſponſione & ſacramento provocare, ſacramento rogare, quærere, & ſtipulari*, that is, to challenge one to pawne a ſumme of money for the triall of a ſuit in law. The defendant was ſaid, *contendere ex provocatione, contendere ſacramento, & reſtipulari*, that is, to be ſued in ſuch manner. This money was tearmed *ſacramentum*, [t] becauſe when it was forfeited, it was beſtowed *in rebus ſacris & diuinis*. Touching the laſt interrogatory, I read no ſet forme of words, but by the word *ſatisdatio*, the intelligent reader may coniect, that it did ſomewhat ſymbolize with our Engliſh cuſtome of putting in bale. [u] This putting in of bale was twofold. The one was *ſatisdare indicatum ſolui*, to bind himſelfe to

[r] Sigon de iudic. l. 1. cap. 21

[s] Cic. orat. pro Muræna & pro Cœcinna.

[t] Sig. de iud. lib. 1. cap. 21.

[u] Sigon. de iudic. lib. 1. c. 27.

to pay what ſhould be adiudged. The ſecond, was *ſatiſdare rem ratam habere.* To become bound that he would ſtand to the verdict and iudgement of the court. The firſt of theſe bonds was required to be performed by the defendant: the ſecond by the plaintiffes Proctour or Attourny. But if the Action were an Action of debt, then the Proctours alone became bound; the Plantiffs Proctour that he would ſtand to the iudgement; the Defendants Proctour, that the debt adiudged ſhould be payd.



LIB. 4.

Rites and customes obserued by the Romans in their warres.

De Militia.

TOuching the art *Military* vsed among the *Romans*, it will not be impertinent to consider, first how warre was proclaimed, & peace established by them: Then to march on to the description of their bands, or companies, where we may first obserue the office of their chiefe Captaine, and their subordinate leaders, together with the seuerall wards into which the vniuersall army was diuided. After this we may descend vnto the diuersitie of punishments vsed toward Captiues, and likewise towards refractarious and disobedient souldiers: Adding as a *Corollary*, or *Period* to our whole discourse the seuerall rewards, which the L. Generall with his souldiers after the performance of certaine noble atchiuements receaued.

CAP. 1.

Cap. 1.

De ritu, quem Romani obſervárunt vel fœdus ferientes, vel bellum inferentes: & de triplici ratione conſcribendi milites.

WEE may remember that it hath beene already ſhewne, that both the proclaiming of warre and peace belonged vnto a certaine order of *Romaine* Prieſts called *Fœciales*, whom by reaſon of their office I engliſhed **Heralds at armes**. The rites and ceremonies, which they vſed, when they proclaimed peace were as followeth. *viz.* One of thoſe Heralds hauing his commiſſion from the State (after that both ſides had agreed vpon the truce and league now to be concluded) tooke vp a ſtone in his hand [a] vſing this ſolemne forme of words: *Sirecte & ſine dolo malo hoc fœdus ato, hoc iusiurandum facio, dij mihi cuncta felicia præſtent, ſin aliter aut ago aut cogito (cæteris omnibus ſalvis) in propriis patrijs, in propriis legibus, in propriis laribus, in propriis templis, in propriis ſepulchris ſolus ego peream, vt hic lapis è manibus decidet*, and therewithall he caſt the ſtone out of his hand: which manner of oath was tearmed *Iurare Iovem lapidem*, or *per Iovem lapidem*, that is, as it hath beene rendred by *Feſtus*, to ſweare by *Iupiter* holding a ſtone in ones hand. [b] Many ſay that he did caſt that ſtone at an hogge or porker brought thither purpoſely, adding theſe words to the former, *Si prior populus Romanus defexit publico conſilio, tum ille Dieſpiter, populum Rom. ſic ferito, vt ego hunc porcum hodiè feriam*: alluding to which cuſtome *Virgill* ſaith,

Et cæſa iungebant fœdera porcâ.

[a] Polyb. vid. Roſin. antiq. l. 10. c. 2.

[b] Sig. de iure Ital. l. 1. c. 1.

The manner of denouncing warre hath beene alreadie ſhewne. The act of ſervice in warre was tearmed *Merere ſub hoc vel illo duce*, that is, to ſerue in warre vnder this or that Captaine; and whatſoeuer ſouldier was diſcharged of his ſer-

vice, as hauing ſerued out his whole time, he was called *miles emeritus*, & by [c] *Tully*, ſuch an one is ſaid *ſtipendia confeciſſe*. [d] *Seruius* hath obſerued that the *Roman* ſouldiers were preſſed three manner of waies: *per Sacramentum, Coniurationem, & Euocationem*. But [e] *Lipſius* cenſureth him for the amiſſe explanation of the laſt member. Therefore the indifferent reader ſhall giue me leaue to borrow the tearmes from *Seruius*; but the explanation of them partly from *Seruius*, and partly from *Lipſius* in the places now quoted. Ordinarily ſouldiers at their preſſe did each ſeuerally take their oath not to forſake their Captaine or country; and this oath was called *Sacramentum militare*, The words thereof are rendred by [f] *Polybius* thus: *Obtemperaturus ſum, & facturus quicquid mandabitur ab imperatoribus, iuxta vires*; & thoſe were tearmed *Milites per ſacramentum*. [g] This ſort of ſouldiers were vpon appointed daies as it were of publique Muſter, elected and choſen by the military *Tribunes* vnder the *Conſuls*: the aſſignement of the day did chiefly belong vnto the *Conſuls*, at which time if any ſouldier withdrew himſelfe, and did not appeare, he was ſeuerely puniſhed, ſometimes by impriſonment, ſometimes by confiſcation of his goods, ſometimes by being ſold for a bondſlaue. Vpon extraordinary occaſions (as when tumults or commotions did cauſe any ſuſpition of imminent danger) the chiefe leader of the ſouldiers did goe vnto the Capitoll, and bring forth two banners or flaggs, the one red called therefore *Vexillum Roſeum*, vnto which the footmen repaired; the other sky-coloured called therefore *Caruleum*, whioh the horſemen followed. The reaſon why [h] the horſemens banner was sky-coloured, is rendred thus, becauſe it did moſt reſemble the colour of the ſea, which colour they deemed moſt acceptable to *Neptune*, who was both the God of the ſea, and the firſt author of horſes. Now becauſe the ſuddaine danger would not yeeld ſo much time, that they might ſeuerally be ſworne, therefore did they take their oath in common all togeather, onely one chiefe ſouldier throughout

[c] Orat. pro lege Manil.
[d] Serv. l. 2 & 7. Æneid.
[e] Lipſ. de milit. Rom. lib. 1. dial. 8.
[f] Vid. Lipſ. de milit. Rom l. 1 dial. 6.
[g] Lipſ. de mil. Rom. lib. 1. dial. 4.
[h] Serv. Æn. l. 8

throughout a whole legion, tooke his oath at large, and in expreſſe words, [i] the reſt followed in order one by one, ſaying that is, καθ'ἑπόμενος ὡσαύτως, that hee ſwore the ſame as the firſt. If the *Tribune* diſtruſted his ſouldiers fidelitie, then would he ſweare them every one ſeuerally in tearmes at large. And thence were they called *Milites per coniurationem*; as likewiſe *Milites ſubitarij* in reſpect of their ſuddaine preſſe. The third member may alſo be admitted, if we with [*] *Lipſius* vnderſtand it in its true ſenſe, namely for thoſe ſouldiers who by the L. Generall were added vnto the body of their army; hee hauing authority to call out ſuch other ſouldiers, who for their long ſeruice were diſcharged from giuing in their names at a muſter. And theſe are generally by all authors tearmed *Milites evocati*, and *Lipſius* deemeth them all one, with thoſe whom *Servius* calleth *Milites per evocationem*. The ſouldiers being thus preſſed, if they purpoſed to make war vpon their enimies, then did the L. Generall ſummon them to prepare themſelues by a ſound of Trumpets; & this was tearmed *Claſſicum canere, a calando*, which ſignifieth to call. Which being done, a skarlet banner was hanged out at the L. Generall his pauilion: from which ceremony I think that that common adage did firſt ariſe, *Conferre ſigna, & Collatis ſignis pugnare*, to ioyne battle. Immediatly vpō this they did *Barritum tollere*, make a great ſhout or noiſe with their voices to the greater terror of their enimies: & that the noyſe might be the greater, they did *Arma concutere*, ruſtle together with their armour, and claſh their ſwords. Theſe foure ceremonies are to be ſeene more at large in [k] *Lipſius*. Vnto which we may adde the fift, obſerued by [l] *Fr. Sylvius*; namely that at the remouing of their campe they did *conclamare vaſa*, giue a great ſhout or cry in token that the ſouldiers ſhould truſſe vp their bagge and baggage: and hence it is that [m] *Plautus* vſeth thi phraſe, *Colligatis vaſis*, to ſignify as much as *paratè* or *expeditè*. Now that they might be the readier for battle, they did gird (as I ſuppoſe) their ſouldiers coats cloſe vnto

[i] Lipſ. de mil. lib. 1 dial. 6.

[*] Lipſ. de mil. Rom. lib. 1. dial. 8.

[k] Lib. 4. de milit. Rom. dial. 11. & 12.

[l] In ep. viror. illuſt. l. 4 ep. 1.

[m] Plaut. in Pſeudolo.

vnto them: & a ſouldier thus girt was called *Cinctutus*, that is, (ſaith *Pighius*) *Cinctu tutus*. [o] *Inde Diſcinctos ignavos, & militia minime aptos putárunt, Præcinctos verò fortes & ſtrenuos.* Hence alſo is that proverbiall ſpeech, *In præcinctu ſtare* or *Vivere*, To be in a readineſſe continually.

Non pudet ad morem diſcincti vivere Nacta? Perſ. Sat. 3.

[n] Pigh. in ſua præf. ad lib. 1. ſeptim.

[o] Alex Gen. dier. l. 1. c. 20.

Cap. 2.

De Legione, Auxilijs, & legionis partibus.

THE *Roman* forces were in old time diuided into two ſeuerall parts, namely *in Legiones & Auxilia*, into Legions and Auxiliary bands. The Auxiliarie bands were ſuch forces as the neighbour and confederate countries did ſend vnto the *Romans*. The Legions were taken out of the body of the *Romans*, [p] *Legio, à diligendo dicta eſt*, from the choice and ſelecting of ſouldiers. [q] *Romulus* is ſaid to haue beene the firſt author of theſe Legions, making every Legion to containe three thouſand footmen, & three hundred horſemen, [r] one thouſand footmen & one hundred horſemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himſelfe into foure thouſand footmen, [ſ] whence it was called *Quadrata legio*. And in proceſſe of time a legion increaſed vnto the number of ſix thouſand: which number it ſeldome or neuer exceeded (as it appeareth by *Sigon.* in the place now quoted.) Now [t] none could be ordinarily regiſtred for a ſouldier vntill the ſeuenteenth yeare of his age, [u] at which his firſt admiſſion he was tearmed *Tyro*, a freſh-water ſouldier: and hence figuratiuely *Tyrocinium* hath not beene tranſlated only the firſt entrance into warre, but alſo the initiation or firſt entrance into any art or ſcience whatſoeuer. After he had ſerued many yeares, then was hee tearmed *Veteranus*, an old beaten ſouldier. [x] The *Roman* legion was diuided *In pedites & equites*, there being

[p] Plutarch. in Romulo.

[q] Roſin. ant. lib. 10. cap. 4.

[r] Sig de iure Rom. l. 1. c. 15.

[ſ] Sigon. ib.

[t] Alex. Gen. dier. l. 1. c. 20.

[u] Pancirol. l. rerum deperdit cap. de habit & veſt. veter.

[x] Sig. de iure Rom. l. 1. c. 15.

being commonly for every thousand footmen an hundred horsemen. *Pedites distributi erant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias: Equites distributi erant in Turmas, Turmæ in decurias.* The word *Cohors* doth signifie that part of ground, which is commonly enclosed before the gate of an house, [y] which from the same word wee call a Court: and [z] *Varro* giueth this reason of the *Metaphor*. As in a farme house (saith he) many out-buildings ioyned together make on inclosure: so *Cohors* consisteth of seuerall maniples ioined together in one body. It is manifest (saith [a] *Alexander*) that the *Romans* in ancient time did very seldome, yea neuer (except in great necessity) inroll into their vniuersall army aboue foure legions: & in an ordinary legion, which he tearmeth *Legionem iustam*, ten *Cohortes*; euery *Cohors* containing 3 maniples, euery maniple two Centuries, euery Century an hundred souldiers: whence they from *Centum* were called *Centuria*, a centurie. [b] These centuries were sometimes diuided into lesser numbers called *Contubernia*; euery *Contubernium* containing ten souldiers besides their captaine, [c] which was called *Decanus*, and *Caput Contuberny*. Where we must obserue, that *Contubernium* doth signifie as well the pauilion or lodging it selfe, as the souldiers lodging therein: & it may be so called *quasi contabernium*, from *Taberna* signifying any slight lodging made of boards. Those that ruled ouer a thousand footmen we may in English call **Seriants maior**: They called them *Tribuni militum*. Those that gouerned ouer the centuries were called by them *Centuriones*, by vs in English **Centurions**: and they had their inferiour officers vnder them, which were called *Tergiductores*, or *Extremi agminis ductores*. [d] Their office was to ouersee and looke vnto those of the campe which were sick, who commonly came behind the army, *quasi extremum agmen, & tergum aciei*. The horsemen were diuided into seuerall troopes called *Turmæ*, euery *Turma* containing thirty horsemen. Againe euery *Turma* was subdiuided into three lesse companies called *Decuriæ*; euery

[y] Edmunds in his observ. vpon Cæsars Comment. lib. 2. c. 3.
[z] Varro. lib. 3. de re rustica.
[a] Alex. Gen. dier. l. 1.
[b] Varro. vid. Rosin. ant. Rom. l. 10. c. 5.
[c] Rosin. ibid.
[d] Veget. vid. Rosin. ant. Rom. l. 10. c. 7.

Decuria containing ten horſemen: whence their captaine was called *Decurio*, and the captaines ouer the greater troopes, namely ouer the ſeuerall wings of the horſemen, were called *Equitum præfecti*. Now the chiefe gouernour ouer the vniuerſall army was called commonly *Imperator*: we in Engliſh call him a L. Generall. His Lieutenant or L. debutie was called *Legatus*, [e] who in old time was ſent *non tam ad imperandum, quàm at conſulendum imperatori*. This word *Imperator* in the *Roman* hiſtories hath a threefold acception. Firſt it is taken for him, who by commiſſion from the ſtate hath the managing of an army, being the ſame that *Prætor* was in ancient time: and in this ſence it hath affinitie with the office of our L. Generall. Secondly for ſuch a L. Generall, who by his proweſſe hauing put [f] one thouſand of his enimies to the ſword, was both by his ſouldiers ſaluted, and the *Senate* ſtyled by the name of *Imperator*. But if he had ſlaine leſſe then one thouſand, he was not thought worthy of this ſolemne ſalutation by that name. Laſtly it was taken for a ſoueraigne Prince, King, or Monarch, in which ſence it was the *Prænomen* of all the *Roman* Emperours from *Iulius Cæſar* forward. Now becauſe the ſouldiers in a legion muſt of neceſſitie differ much in eſtate, age, & experience, ſome being wealthier, elder, and of more experience then others; hence was it requiſite alſo, that there ſhould be a diſtinction of places in their armies, according to the deſert and worth of each ſeuerall perſon. We are therefore likewiſe to vnderſtand, [g] that the *Conſuls* euery yeare made a generall muſter: at which time the militarie tribunes choſe out the youngeſt and pooreſt of all the reſt, and called them by the name of *Velites*. Their place in regard of other ſouldiers was baſe and diſhonourable, not onely becauſe they fought a farre off and were lightly armed; but alſo becauſe they were commonly expoſed to their enimies as forelorne hopes. According to [h] *Lipſius* theſe *Velites* were commonly placed either *In Fronte, Vtis*, or *Cornibus*. 1. In the front of the army, 2. [y] in the diſtances

e Lipſ. de mil. Rom. lib 2. dial. 10.

f Barth. Latom. in Phil. orat. 14.

g Lipſ. de mil. Rom. l. 1. dial. 3.

h Lipſ. de mil. Rom. lib. 4. dial. 3.

ſtances, or ſpaces betweene the ſeuerall Maniples. 3 In *Cornibus*, that is, In the wings of the battle: Not that the wings at any time conſiſted of thoſe *Velites*, for that was the *Socij* and Auxiliary forces; but either the ſpaces in the wings were filled vp by thoſe *Velites*, or elſe they might obtaine a promiſcuous place among thoſe forrainers. Notwithſtanding they did like ſcouts run two and fro caſting out their darts (as occaſion was offered) and ſo retire: whence when a man doth leape from one thing to another in his talke, we ſay he doth *Agere velitatim*. Hauing choſen out a competent number of theſe ſcouts, they proceeded to the choice of them, which they called *Haſtati*, that is, Pike-men: foraſmuch as they fought with a kinde of iaueling, which the *Romans* called *Haſta*. Theſe pike-men fought in the firſt part or fore-front of the maine army. The third choiſe which they made, was of the ſtrongeſt and higheſt bodied men, who for the prime of their age were called *Principes*: and hence was the ſecond place or ward in the maine army called *Principia*, according to [i] *Thraſo* his ſpeach, *Ego ero poſt principia*, that is, I will follow the *Principes*, thereby chooſing to himſelfe the beſt, and ſafeſt place. The laſt ſort of ſouldiers, which ſtood in the third place or rereward, were called *Triarii*. They were of all, the moſt approued, and the very laſt help of refuge; ſo that if they failed, all was loſt: and hence ariſeth that forme of ſpeach, *Ad triarios ventum eſt*, [k] whereby we ſignifie that a thing is come to the laſt puſh. As I ſuppoſe, the weapon, wherewith theſe *Triarii* fought, was a dart with yron faſtned at the end of it, called in Latine *Pilum*. The reaſons of this my coniecture are theſe: firſt becauſe the firſt century of theſe *Triarii* was called *Primus pilum*, and their centurion *Primopilus*, and *Primipilus*, and *Primus centurio* becauſe hee was the chiefe centurion in a whole legion, as hauing the charge of the chiefe banner called the Eagle; [l] whence *Aquila* is ſometimes vſed to ſignifie *Primopilatum*, the office and place of the *Primopilus*. The ſecond Century was called *ſecundum pilum*

[i] Terent Eun. Act. 4. Scen. 7.

[k] Alex. Gen. dier. l. 5. c. 15.

[l] Lipſ. de mil. Rom. lib. 2. dial. 1.

pilum, and their Centurion *Secundipilus*, &c. Secondly, they called the *Principes*, which marched in the battle immediatly before these *Triarij*, *Antepilani*: which argueth that those souldiers which followednext should be the *Milites Pilani*; and by consequence their weapon should be that kinde of dart which they called *pilum*. Their manner of embattelling was diuers. Sometimes they would make a winged army so that the maine body thereof should be in the middle, and on each side a lesser company: The maine body wee in English call the Vauntgard, and the two lesser companies wee call Wings; as likewise in *Latine* they called them *Alae aciei*, and *dextrum vel sinistrum cornu*. [m] *Pancirollus* calleth them *Vexillationes*, because there fought no more in either wing, then belonged to one banner called in Latine *Vexillum*. The gouernours of these wings he calleth *Alarum Praefectos*. Sometimes they embatled so, that the forefront of the Army being small, it was enlarged bigger and bigger backward in manner of a triangle: By [n] *Lipsius* it is demonstrated vnto vs vnder the forme of the greeke letter Δ He in the same place calleth it *caput porcinum*, *quia velut fodit & ruit in vadendo*. Commonly it is called *Cuneus militum*, the *metaphore* being borrowed not only frō the resemblance it had with a wedge, but also from the vse of a wedge: for they neuer embatled in that forme, vnlesse it was to breake through their enimies, the piercing angle being thicke compacted with targets. Sometimes they did in a quite contrary manner enlarge their army in the fore-front, making it to end in an angle: and this they called *Forfex* and *Forceps militum*. Sometimes their forme of embatling was circular, and then was it called *Orbis vel globus militum*. The banner or flagge was properly called *Vexillum* being a deminutiue of *Velum*. It was also called [p] *Manipulus*; whence we doe at this day call so many souldiers as doe fight *sub eodem bando*, a band of souldiers: as *Romulus* called those that fought *sub eodem manipulo fœni* an handfull of hay being vsed at that time insteed of a flagge) *Manipulum militum*. *Ouid.* *Pertica*

m Pancir. in notit. orient. & occident. imper. c. 32.

n Lipsius milit. Rom. lib 4. dial. 7.

o Lipsius milit. Rom. lib 4. dial. 7.

p Festus. vid. Panc. in not. orient. & occident. imp. cap. 32.

Pettica ſuſpenſos portabat longa maniplos,
Vnde maniplaris nomina miles habet.

Suidas is plaine, Βάνδον καλοῦσι ῥωμαῖοι τὸ σημεῖον τὸ ἐν πολέμῳ that is, The *Romans* called their military enſigne a **Band**: hence others haue vſed Βανδοφόρος to ſignifie as much as *Signifer*, an **Auncient-barer**. *Suid in voce Βανδον*

Cap. 3.

De oppugnatione vrbis, & iis quæ ad oppugnationem requiruntur.

IF the ſiege of a towne ſeemed difficult and hard to compaſſe, then did the *Romans* vſe certaine meanes of policie for the better effecting thereof. They invironed the towne with a broad & deepe ditch, adding therevnto a rampier fortified with many caſtles and fortreſſes; whereby they both kept the towne from any forraigne ſuccour, and withall ſecured themſelues from ſallies and other ſtratagems. This rampier did extend it ſelfe toward the walles of the city, ſo that by making (as it were) a great hill, they might overtop the citty, and fight with the greater advantage. Now that this greater heape of earth might become firme and well able to ſupport the buildings to be erected vpon it, they did caſt in ſuch timber and ſtones among the earth; and this heape of earth, ſtones, and timber when it was reared, was properly called *Agger*; whence commeth both the Latine verbe *Exaggerare*, and the Engliſh to **Craggerate**, that is, to amplifie or encreaſe a matter. The ſtakes, poſts, and trees, which were rammed in about this bulwarke or rampire to vphold the earth, were ſometimes caled [q] *Cerui*, becauſe of their forked and ſharp tops, but more properly [r] *Valli*, and *Valla*. The diſtance or ſpace betweene each ſtake was called *Interuallum*; though now *Intervallum* doth ſignifie not only ſuch a diſtance, but any diſtance either of ſpace or time, as it appeareth

[q] *Lipſ. poſior. lib. 2. dial. 2.*
[r] *Serv. Æneid. lib. 10.*
Cic. ep. fam. lib. 1. ep. 7.

reth by that of [f] *Tully*: *Intervallo locorum & temporum disiunctí.* Sometimes *Vallus* doth signifie a pole or stake, whereunto vines are tyed; according to that received adage, which we vse when a speciall friend forsaketh one, *Vallus vitem decepit.* From the first signification it is, that *Vallum* doth often signifie the inclosure, or hedging in of trees & stakes, wherewith the bulwarke is vpheld: Alluding whereunto [t] *A. Gellius* translateth ὑφορ ὀδόντων. *Vallum dentium.* The meanes of their defense, whiles they were making this their rampire, was a certaine engine or ordinance of warre [u] made of plankes and hurdles running vpon wheeles, vnder which they might rest secure from all stones and darts cast from the wals of the city: It was called *Vinea*. A second engine was *Musculus*: The matter whereof it was made I haue not read: but the vse of it was, that vnder it the souldiers might approch vnto the wals of the citty, and vndermine them. Thus much [x] *Lipsius* seemeth to inferre, when he rendreth the reason of the name: *Musculus ideò dictus, quia instar eius animalculi foderent sub eo terram.* A third meanes of their defence was *Militaris testudo.* This word *Testudo* in the art Military had a double acception, both being borrowed from the resemblance of the *Tortoise* shell, which is the true and genuine signification of this word. In the first acception *Testudo*, [y] doth signifie a warlike engine or fence made with boards couered ouer with raw hides, which serued against fire and stones cast at the souldiers, vnder this they might safely assaile the wals. [z] In the second acception it signified a target-fence, which was a close holding together of targets ouer head like a vault or roofe, wherewith the footmen did defend themselues from the thicke shot of arrowes or slinging of stones. Their rampier or countermour being finished they vsed certaine great timber towers made vpon wheeles to run too and fro, which they called *Turres ambulatoria*, moueable turrets. These towers had many stories one ouer the other, [a] wherein they carrying ladders and casting bridges thereby to scale the wals

[f] Cic. ep. fam. lib. 1. ep. 7.

[t] A. Gel. Noc. Artic. l. 1. c. 15.

[u] Rosin ant. Rom. lib 10. c. 16.

[x] Lipsi. polior. lib. 1. dial 9.

[y] Rosin. ant. R. l. 10. c. 16.

[z] Stad in Flor. l. 4. c. 10.

[a] Rosin. ant. Rom. lib. 10. cap. 16.

wals. The engines hithervnto haue beene defensiue, such wherewith the *Romans* defended themselues in their seige: others there were offensiue, wherewith they did assaile the city; and of those the chiefe were *Balista sive Catapulta, Scorpius sive Onager, Aries, & Malleoli.* The first of these engines, as it was called *Balista ἀπὸ τοῦ βάλλειν*, from darting or casting forth any thing, [b] so was it in old time called *Catapulta ἀπὸ τοῦ κάτα βάλλειν*, which signifieth a shaft or dart; Though it cannot be denyed, but that *Pelta* doth also signifie a kind of shield made in the forme of an halfe moone, according to that of *Virgil. Æneid lib.* 1.

[b] Lipſ. poliorc. lib. 2. dial. 2.

Ducit Amazonidum lunatis agmina peltis,
Penthesilea furens.----

The forme thereof followeth, translated word for word out of *Marcellinus.* (Between two plankes there is set in frame; and fast ioyned a strong and bigge yron, reaching out in length after the manner of a good great rule; out of the round body whereof, which is artificially wrought, there lyeth forth farther out a fowre square beame, made hollow with a direct passage in manner of a narrow trough, tyed fast with many cords of sinewes twisted one within another, and therevnto are ioyned two woodden skrewes; neere vnto one of which standeth the cunning Balistier, and subtilly putteth into the hollow passage of the beame a wooden shaft with a bigge head glewed fast to it. This done on both sides, two luttie young men doe bend the engine by turning about certaine wheeles. When the top of the head is drawne to the vttermost end of the cords, the shaft being carried forth of the Balista, by the inward force thereof, it flyeth out of sight.] That the reader may receaue the more light in the vnderstanding of this obscure description, I haue added the very words of *Marcellinus.* [*Ferrum inter axiculos duos firmum compagiatur & vastum, in modum regulæ maioris extentum: cuius ex volumine teretis, quod in medio arte posita componit, quadratus eminet stylus extensius recto canalis angusti meatu cavatus, & hæc*

[c] Am. Marc. lib. 23. cap 3.

hac multiplici chorda neruorum tortilium illigatur: eiq; cochlea duo lignea coniunguntur aptissime, quarum propè vnam adsistit artifex contemplabilis, & subtiliter adponit in temonis canamine sagittam ligneam spiculo maiore conglutinatam: hoc; fallo hinc inde validi iuvenes versant agiliter rotabilem flexum. Quum ad extremitatem nervorum acumen venerit summum, percita interna pulsu à balista ex oculis evolat. In respect of its vse we may englishit a Crosse-bowe: but it was much bigger, and of a different forme. The Scorpion, which now they call *Onager*, is described by *Marcellinus* in the same place thus. [Two oaken or elme beames were hewen out, and somewhat bended, so that they seeme to bunch out in backes; and these in manner of a saw engine are tied fast together, being bored through with wide holes, through which (by the meanes of those holes) strong cords are tied, keeping in the whole frame that it start not asunder: From betweene those bunches, another wooden beame reaching forth ouerthwart, & in manner of a waine-beame erected vp, is tied with such deuises vnto certaine ropes, that it may be pulled vp higher, or let down lower at ones pleasure; and at the top thereof certaine yron hooks are fastned, from which hooks there hanged downe a certaine sling either of yron or tow: Vnder which erected beame there lyeth a great peece of haire-cloath full of small chaffe tied fast with cords, & placed vpon a banck of turfes, or a heape of brickes: When therefore it commeth to the point of skirmish, a roūd stone being put into the sling, foure young men on one side loosing the beames, into which the ropes are incorporated, doe drawe backe the erected beame vnto the hook. Thus at length the master of the engine standing in some high place, giuing a mighty stroke with a hammer (and as I suppose vpon the cord, whereunto the erected beame was fastned, with his hooke) setteth open the railes, that containe the whole worke, insomuch that this erected beame being now at liberty with that quicke stroke, and hitting against the soft haire-cloath, it hurleth out the stone, that

* *Machinæ Seratoriæ*

* Ab hac, mediante testium] *Here we must note that this signification of testes is borrowed from the Anatomists, which do call certaine eminent parts behind.* φαλλὸς Νεῶν Testes, Vid. Fuchs. instit. med l. 1. Sect. 5.

that will batter whatſoeuer is in the way. And it is called *Tormentum, quod ex eo omnis explicatio torquebatur.* It is alſo called *Scorpio*, becauſe when the long beame or tillar is erected, it hath a ſharp top in manner of a ſting. The moderne time hath impoſed vnto it the name of *Onager*, that is a wild Aſſe, becauſe that wild Aſſes, when they are courſed by hunters, fling back ſtones with their heeles a farre off, ſo that oftentimes: they peirce the breaſts of them that follow them. The Latine word is made from the Greeke ὄνος, that is, *Aſinus* & Ἀγρὸς, *rus vel ager.* Now if any aske mee, why that ſackcloath of aſhes was interpoſed, the reaſon is rendred by *Marcellinus* in two lines, which I purpoſely did not tranſlate in their place, becauſe I would continue the ſenſe, without ſuch a long *parentheſis.* The reaſon is there deliuered thus; becauſe the violence and force of the erected beame recoiling, after it had beene by the ſtroke diſcharged, was ſuch that it would ſhake in peeces the ſtrongeſt wals, except there were ſome ſoft thing interpoſed, whereby the forcible ſtrength of the recoile might be by degrees ſlaked. The *Aries* or Ramme is deſcribed alſo by *Marcellinus* in the ſame place. [The Ram was a great tree, or beame *like vnto a maſt of a ſhip*, haning a peece of iron in manner of a Rams head, faſtned at the end thereof, wherewith they did demoliſh and batter downe the wals of a Citty. It was hung vnto a beam, which lay a croſſe ouer a couple of pillars, and hanged thus equaly ballanced, it was by force of men pulled backward, and then recoiled vpon the wals.] The Rammes which *Titus* vſed at the ſiege of *Hieruſalem*, ranne moh on wheeles: which kinde of Rammes are deſcribed by *Ioſephus*. There be, ſaith he, other manner of engines, as an iron Ram vpon 4. wheeles, bound with yron, and faſtned with yron nayles, to this they make foure feet anſwerable to the bigneſſe of the beame, & every foot hath his ſeuerall wheele, & when they will batter the wall, certaine men firſt puliing it backe, they recoile it by the helpe of foure wooden leuers put in the hin

der part thereof for that purpose. The head of this Ramme hath no hornes, but is blunt, made of the strongest kinde of yron, with a wonderfull thick neck. They haue also of both sides of the Ram a pentise of wood for the safegard of those that recoile it. *Iosephus Ben Gorion de bello Iudaico.* In lieu of these Rammes another engine was foun t out, called *Helepolis ab invisitato* Ελω, that is, *capio*, and πολις, that is, *civitas*. The forme of it is to be seen also in *Marcell.* ibid [There was (saith he) a *Testudo*, or vaulted frame made, strengthned with very long peeces of timber: it was covered ouer with Oxe hides, and greene wicker hurdles: the vpper part or conuexe sur face thereof was ouerlaid with mudde, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certaine *Cuspides trifulcæ*, that is, iron pikes with three edges very massie, in manner of the thunderbolts, which Painters and Poets exhibet vnto vs. This great engine the souldiers ruling within with diuerse wheeles & ropes, with maine force they thrust it against the wals.][*Maleolis* (saith the same *Marcellinus*) were certaine darts fashioned on this manner: there was an arrow made of a cane, betwixt the head and the nocke whereof was fastned an iron full of clefts; which arrow like vnto a womans distaffe, on which linnen is spinned, was finely made hollowe within the belly, yet open in many places: In the belly it receaued fire with fuell to feed vpon. And thus being gently discharged out of a weake bow (for with an ouer strong shooting the fire was extinguished) if it tooke fast hold on any place, it burned the same, and water being cast thereon, the fire increased, neither was their any meanes to quench it, but by casting dust on it.] Now if they could not prevaile by these engines called *Machinæ*, then did they make certaine passages vnder ground, which they called *Cuniculi* from *Cuniculus* signifying a cony-berry: insomuch that these two phrases are oppolite, *Machinis, and Cuniculis oppugnare*, as it appeareth by that of[d] *Plutarch*, *Cæsar non iam cuniculis, sed*

[d] Plutarch in vit. C. Cæs.

ſed machinis tollit rempublicam, that is, He doth not now couertly, but with open violence aſſault the common weale.

Cap. 4.

De pœnis in hoſtes deuictos.

ALbeit after the victory the *Romans* inflicted diuerſe degrees of puniſhment, according to the malice found in an enimie: yet were they alwaies compaſſionate, & (as hiſtories teſtifie) more exorable then any other nation. The puniſhments which we finde them to haue vſed towards a conquered nation are theſe. Either they puniſhed them by death; or ſold them *ſub corona*; or diſmiſſed them *ſub iugum*; or merced them in taking away their territories; or made them tributary ſtates. [c] An enimie was ſaid to bee ſold *ſub corona*, when he being placed in the market place, a crowne was put vpon his head in token of ſuch a ſale: or therefore certaine captiues were ſaid to be ſold *ſub corona*, becauſe at ſuch times they were environed about with ſouldiers to keepe them together, and this circle of ſouldiers, as likewiſe of all other companies, is called *Corona*. When they diſmiſſed any *ſub iugum*, [f] they erected two ſpeares with a third lying a croſſe in manner of a gallowes: then they cauſed them being diſarmed, and their belt taken away to paſſe vnder in token of bondage. When their territories were taken from them, they were commonly conferred vpon old beaten ſouldiers, in way of remuneration for their faithfull ſeruice. This tranſplantation was tearmed *Colonia deductio*; and the place ever after *Romana colonia*, that is, a Roman Colonie. At which times they choſe out every tenth man, *viz.* ſuch as were able and of beſt ſufficiencie to make and eſtabliſh a publike councell, [g] whom they named *Decuriones*. Whence we may obſerue, that *Decurio* is not alwaies taken for a Captaine ouer ten horſemen, but ſometimes it is vſed to ſignify

c A.Gel 7.c.4

f Stad in Flor. lib.1.c.12.

g Sig. de iure Ital.l 2.c4.

signifie an Alderman or chiefe Burgesse in a *Roman* Colony. These Colonies were of two sorts, some called *Colonia Latina*: others *Italica*. The Latin Colonies had *Ius ciuitatis, suffragij & Magistratus capiendi, si in sua Colonia magistratum gessissent. Italicis autem, Ius ciuitatis & suffragij nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, vt provincia solebant. Turneb. aduers. l.1.c.11.* Diuers times the *Romans* would bee content after the conquest to grant to their enimies a peaceable inioying of their lands & possessions, conditionally, that they would yeeld all faithfull allegiance vnto the L. Deputy, whomsoeuer the *Senate* of *Rome* should place ouer them. The L. Deputy was either stiled by the name of a *Propretor*, a *Proconsul*, or a *Praefectus*. Those places where the two first sorts of gouernours did rule, were tearmed *Provincia*; the other from the gouernour was tearmed *Praefectura*. Where we must obserue that this word *Provincia* hath a threefold acception. First it is taken for a country, which by the force and power of armes is subdued to the *Roman* Empire, and gouerned by some *Roman* Deputy sent from the *Senate*: and this is the proper & primitiue signification thereof, it being so called, [b] *Quod populus Romanus eam provicit, id est, ante vicit.* Secondly, it is taken for any region or country, where the L. Generall or chiefe Captaine ouer a *Roman* army doth mannage warre against any nation by commission from the *Senate*. Lastly, it signifieth any publike function, or administration of office, yea any priuate duty, charge or taske either vndertaken, or imposed; according to that of [i] *Terence*, *Prouinciam cepisti duram*, that is, thou hast vndertaken an heard taske. Now the tribute to be paid was either certaine, or vncertaine. The certaine was properly called *Tributum vel Stipendium*; and those who paid it were tearmed *Tributarij sive Stipendiarij*: and this Tribute was of two sorts, either ordinary, such as was required from every house yearely, euen in the time of peace; or extraordinary, such as was leuied by a law or decree of the *Senate* towards vnexpected

[b] Pigh. lib. Tyrannif.

[i] Terent. in Phor.

pected charges. The vncertaine tribute [k] properly called *Vectigal*, was either impost-mony, such as was collected in haven townes for the transportation of marchants wares, and that was called from *Portus Portorium*, or frō *Porta Portarium*, and the receauers thereof *Portitores*. The wars after the impost mony had beene paid were sealed by the *Publicanes* with a certaine kinde of tempered chaullye: and this is that which *Cicero* vnderstandeth by *Asiatica creta, orat. pro Flacco*. Of Tithe corne, namely the tenth part of their graine and that was called from *Decem Decuma*, and the receauers thereof *Decumani*, though *Decumanus* when it is an adiectiue signifieth as much as *Maximus*, according to that of *Ouid. lib. 1. de Trist.*

Qui venit hic fluctus fluctus supereminet omnes;
Posterior nono est, undecimoq; prior.

The reason of this signification is [m] supposed to be, because in *Arithmeticke* amongst simple numbers the tenth is the greatest: or lastly that mony, which was paid by certaine heards-men for pasturing their cattle in the *Roman* fields & forrests. This kinde of tribute was called *Scriptura*, and the pastures *Agri Scripturarij*; because (as [n] *Festus* saith) the bayliffe or receauer of this mony, called *Pecuarius*, did *Scribendo conficere rationes*, that is, keep his account by writing. Where we must note, first that all these kindes of Tributes were not only required in Prouinces or Countries subdued, but throughout *Italy*, euen in *Rome* it selfe. Secondly though each collectour of these Tributes was distinguished by a peculiar name; yet by a generall name they were all called [o] *Publicani*, in as much as they did take to rent these publike tributes. The chiefe of them, which entred into bond, as the principall takers or farmers of these tributes *Tully* calleth *Mancipes*. The others which were entred into the same bond as sureties, were tearmed *Prædes*. Many times the *Romans* did bestow the freedome of their citty vpon forraigne countries; and the degrees of freedome were proportioned accordingly as

[k] Sig. de iure Rom. l. 1. c. 16.
[l] Stadius in Flor. l. 3. c. 13.
[m] Fr. Sylv. in vitor illust. ep 2. lib. 1.
[n] Sig. de iure Rom. l. 2. c. 4.
[o] Cic. de Arusp. respons. & alias sæpe.

as the countries were. Some they honoured with the name of *Roman* citizens, but excluded them fro the right of suffraging, leauing them also to be gouerned by their own lawes and magistrates. This state they called a *Municipal* state, in Latine *Municipium*, because they were *Muneris huius honorarij participes*. q By *Munus honorarium* in this place is vnderstood nothing but the bare title of a *Roman* citizen, whereby they were priuiledged to fight in a legion as free Denisons; not in an auxiliary band, as the associats. Now the first that ever obtained this Municipal state, were the *Cerites* who for preseruing the holy things of *Rome* in the time of the warre against the *Gaules*, were rewarded with the freedome of the citie, but without power of suffraging; * From whence it is, that those tables, wherein the *Censors* inrolled such as were by them depriued of their voices, were called *Cerites tabulæ*; *Horace* calleth such a table *Ceritem cerã*, for the reason shewne before. But we must withall obserue, that some Municipall townes haue either by desert or instant suit obtained the liberty of suffraging also, which occasioneth that receaued distinction, that there was *Municipium sine suffragio*, & *Municipiũ cum suffragio*. Other countries which could not be admitted into the freedome of the cittie, haue obtained, and that not without speciall & deserued respects to be associats and confederats vnto the state of *Rome*. The inhabitants of such countries were sometimes called *Socij*, sometimes *Amici*, sometimes *Latini nominis socij*, &c. The King or Prince of such a country did stile himselfe *Amicus & Socius Senat. & Pop. Rom.* Here we must obserue a difference betweene *Pactio* and *Fœdus*, both signifying a kind of league. That truce which in time of warre is concluded vpon and accepted of both sides for a certaine q limited space of time, is properly called *Pactio*; we commonly call it *Inducia*, and it differed from *Fœdus*: first because that *Fœdus* is a perpetuall truce or league, secondly because it was necessary, that one of those Heralds at armes called *Fœciales*, should by

p A Gel. noct. Attic lib. 16. cap. 13.

* A. Gel. ibid.

q Sig. de iure Ital. l. 1. cap. 1,

r Sigon. ib.

a

a solemne proclamation confirme this league called *Fœdus*, neither of which conditions was absolutely requisite in their truce tearmed *Pactio*.

Cap. 5.

Mulctæ militares, quibus milites Romani ob delicta afficiebantur.

TOuching the punishments that the *Roman* L. General vsed towards his own souldiers, when they were faulty, they were commonly proportioned vnto the fault committed. Sometimes they were easie, of which sort were also those punishments which did only brand the souldiers with disgrace: other times they were heauier, such as did hurt & afflict the body. To the first sort belonged these: First *Ignominiosa dimissio*, that is, a shamefull discharging of a souldier, when he is with disgrace remoued from the army. Secondly, *Fraudatio stipendii*, that is, a stopping of their pay: & such souldiers which suffered this kind of mulct, were said to be *ære diruti*, (because *Æs illud diruebatur in fiscum, nõ in militis sæculum.* Thirdly, *Censio hastaria*, whereby the souldier was inioined to resigne and giue vp his speare: for as those which had atchieued any noble act, were for their greater honour *Hasta pura donati*: so others for their greater disgrace were inforced to resigne vp their speare. Fourthly, the whole *Cohors*, which had lost their banners, where compelled to eat nothing but barly bread, being depriued of their allowance in wheat: and every Centurion in that *Cohors* had his souldiers belt or girdle taken from him, which was no lesse disgrace amongst them, then it is now amongst vs, that a Knight of our order of the Garter, should be depriued of his Garter. Fifthly, for petty faults they made them to stand barefooted before the L. General his pauilion, with long poles of ten foot length in their hands: & sometimes in the sight of the other souldiers

(Rosin. ant. l. 10. c. 25.

souldiers to walke vp and downe with turfes on their necks. In the last of these they seemed to imitate their city discipline whereby malefactors were inioyned to take a certaine beame resembling a forke vpon their shoulders, and so to carry it round about the towne; It hath some affinity with our carting of queanes here in England. In the first we haue no custome, that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments, was the opening of a vaine, or letting them bloud in one of their armes: which kind of punishment was vsed towards those alone, which (as they conceited through the abundance of their hot bloud) were too adventurous & bold. The heauier kinds of punishment were these: first *Virgis*; *vel Fuste cadi*, to be beaten with rods; or with staues & cudgels. None were ordinarily beaten with cudgels, but those who had not discharged their office, in the sending about that tablet called *Tessera*, wherin the watch word was written; or that had forsaken their place, where they were appointed to keepe watch; or those who had stollen any thing from out the campe: or borne false witnesse against their fellowes, or abused their bodies by women: or lastly, that had beene punished thrice for the same fault: those which were in this maner cudgelled, were often killed in the place: but if they escaped aliue, they went to liue in perpetual exilement. The ceremony vsed in this kind of cudgelling was, that the [u] knight Martiall should lightly touch the party to he punished with a club, which being done, all the souldiers did beat him with staues and cudgels, whence we may say of on that deserueth a good cudgelling in [x] *Tully* his phrase *Fustuarium meretur*. *Polybius* calleth it ξυλοκοπίαν. *Vid. Lipsi. de milit. Rom. lib. 5. dial. 18.* If a *Roman* souldier had broken his ranke by going out of order, then *Virgis cadebatur*, that is, he was scourged with rods. Sometimes the knight Martial vpon iust occasion would cause them to be sold for bondslaues, to be beheaded, to be hanged. All these punishments were

[t] Alex. Gen. dier. l. 2. c. 13.

[u] Trib. milit.

[x] Cic orat. Phil. 3.

were perſonall or particular; there remaineth one which was generall, namely when the fault was generall, as in their vproares, conſpiracies, &c. Vpon ſuch occaſions the ſouldiers were called togither, and every tenth man vpon whom the lot fell was puniſhed with that kind of cudgelling aboue ſpoken of; all the others eſcaped either without puniſhment or with very litle. The puniſhment it ſelfe was tearmed *Decimatio legionis*, and the reaſon of this kinde of puniſhment is, rẽdred by *y Tully: vt metus viz. ad omnes pœna ad paucos perueniret.* Sometimes ſuch was the clemencie of the L. Generall, that he would puniſh only the twentieth, nay the hundreth man, & then was it called *viceſimatio, vel centeſimatio legionis.*

y Cic. pro Cluent.

Cap. 6.

De donis militaribus ob rem fortiter geſtam.

CONcerning the rewards which were beſtowed in war, ſome were by the *Senate* conferred vpon the L. Generall: others were by the L. Generall conferred vpon his ſouldiers. Thoſe honours which the L. Generall receiued were three. Firſt *Nomen imperatoris*, of which before. Secondly *ſupplicatio*, that is, a ſolemne proceſſion continued for many daies togither, ſometimes more, ſometimes fewer: all which daies the *Romans* people did obſerue as holy-dayes offring vp daily prayers and ſacrifices to the Gods in the behalfe of their L. Generall. The cuſtome being that after ſome notable victory, the ſouldiers hauing ſaluted their cheife captaine (whom I call their L. Generall) by the name of *Imperator*, then would he ſend letters vnto the *Senate* dight with lawrell, wherein he required both that name to be confirmed & approued by them, as likewiſe that they would *Decernere ſupplicationes*, that is, appoint ſuch ſolemne ſupplications. Thirdly, they honored him at his comming home alſo with a triumph. *Triumphus vel maior, vel minor erat*, ſaith

Alexander. The lesser kind of triumph was properly called *Ovatio* [a] *above*, from a sheepe, which in this time of his triumph was led before him, and afterward sacrificed by him: As also in the greater triumph (called properly *Triumphus*) the L. Generall sacrificed a bull. It differeth from the greater triumph first in the acclamation; for in the lesser triumph the souldiers following did as it were reduble this letter O, and some are of opinion that it was therefore called *Ovatio*. In the greater triumph the souldiers followed crying *Io triumphe, Io triumphe*: an example whereof may be seene in [a] *Horace*, where he describeth the triumph of *Bacchus*, the first author of this greater triumph; from whose [b] name also divers authors doe deriue this word *Triumphus*, he being in greeke called θριαμβος which by a little change is made *Triumphus*. Secondly they differed, because in the greater triumph, the L. Generall did weare a garment of state, called by some *Trabea*, [c] by others *Triumphalis*, *Picta*, *vel Aurata vestis*; likewise a garland of lawrell, riding in a chariot, the *Senators* themselues with the best of the *Romans* meeting him, his souldiers with their coronets, their chaines, and other rewards following after: But in the lesser triumph the L. Generall did weare a plaine purple gowne without any gold imbrodering, and a garland of myrtle tree [d] commonly going on foote, sometimes permitted to ride on a horse; the gentlemen and commonaltie of *Rome* alone without the *Senators* did meet him. Moreouer for a perpetuall memory of this their triumph in some publike place certaine trophies were erected. [e] *Trophæum monumentum dixere nunc marmoreum, modò æneum, cum inscriptione & titulis ævo perpetuo duraturis.* [f] *Dictum est ἀπὸ τῆς τροπῆς, id est, à conuersione*, frō making the enimies to retire and turne backe. Sometimes there were statues, columnes, and arches built in token of triumph. These arches though commonly they were known by the name of *Arcus triumphales*, yet sometimes they are called *Fornices*, whence it is that *Tully* calleth *Fabians* triumphall arch

[a] Salmuth in Pancir. l. rerū deperd. cap. de triumph.

[a] Ode. 2. lib. 4.

[b] Salmuth. in Pancir. l. rerū depert. cap. de triumph.

[c] Alex Gen. dier. l 6. c. 17.

[d] Dion. Hali. car. lib. 5.

[e] Alex. Gen. dier. li. 1. c. 22.

[f] Serv. Æneid. lib. 10.

[g] Fr. Sylv. in orat. Cic. pro Cn Plancio.

arch *Fabianum fornicem.* If it ſo hapned that the *Roman* Generall himſelfe perſonally, did take away any ſpoiles from the chiefe captaine of the enemies, then did hee hang them vp in a temple conſecrated to *Iupiter Feretrius*; who was ſo called, [h] becauſe as the *Romans* conceited without the ſpeciall aſſiſtance of *Iupiter*, *Dux ducem ferire non poterat*: theſe ſpoiles had the name of *Opima ſpolia*, that is, Royall ſpoiles. The rewards beſtowed vpon the ſouldiers were diuers: either places of office, as the place of a Centurion, of a *Præfectus*, a *Decurio &c.* or their pay was increaſed, the ſpoiles diſtributed amongſt them, or laſtly they receiued certaine gifts tearmed *Dona militaria.* In ancient times thoſe ſouldiers which had beſt deſerued, receiued a certaine meaſure of corne called by them *Adorea*; [i] and hence it is, that *Adorea* is now vſed to ſignify ſuch laude and praiſe, as is due vnto a ſouldier. But after ages for the better encouraging of the ſouldiers, haue fouud out more honorable rewards, of which [k] theſe were the chiefeſt; *Armilla*, that is, a bracelet for the handwreſt; *Torquis*, a chaine to weare about their necke; *Phalera*, horſetrappings; *Haſta pura*, that is, a ſpeare hauing no yron at the end of it, (it is ſometimes called *Haſta donatica*, and *Haſta graminea*;) Laſtly *Corona*, crownes, of which *A. Gell. lib. 5. cap. 6.* obſerueth theſe to haue beene the chiefe: 1. *Corona triumphalis*, which in old time was made of Lawrell, but afterward of gold, and thence was it called *Corona aurea*: it was ſent by the *Senate* vnto the L. Generall in honour of his triumph: Secondly *Corona obſidionalis*, which was giuen by the ſouldiers vnto the Generall, when they were freed from a ſiege: it was made of graſſe growing in that place, where they were beſieged, whence it had the name alſo of *Corona graminea.* Now the reaſon why they made this crowne of graſſe growing in the place where they were beſieged, was thereby to yeeld vp their right in that place vnto their captaine: for by that ceremony, as [m] *Pliny* obſerueth, they did *Terrâ & ipſa altrice humo & humatione etiam*

[h] Alex. Gen. dier. l. 1. c. 14.

[i] Alex. Gen. dier. l. c. 18.

[k] Sig. de iure Rom. c. 15.

[l] Roſin. ant. lib. 10. c. 27.

[m] Plin. lib. 22. cap. 4.

tiam cedere. And hence it is, that in races & the like misteries, he that was overcome, did gather some of the grasse of that place, & giue it vnto the conquerour, as a token that he did acknowledge himselfe conquered [n] this is the reason of that Adage, *Herbam dare*, that is, to yeeld the victory. Thirdly, *Corona civica* which was bestowed onely vpon him, which had saued a cittizens life, [o] though in processe of time it was also bestowed vpon the L. Generall, if hee spared a *Roman* citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quernea.* And this I take to be the reason why in *Ovids* time the Emperour had alwaies standing before his gates, an oake tree in the midst of two lawrels, as Emblem denoting two worthie vertues required in all Emperours and Princes, first, such whereby the enemy might bee conquered; secondly, such whereby cittizens might be saued. Vnto this *Ovid* seemeth to allude, speaking of the lawrell tree.

[n] Salmuth. in Pancit. Irerū. deperd. cap. de cotonis

[o] Pigh. l. Tyrannif.

[p] *Postibus Augustis eadem fidissima custos*
Ante fores stabis, mediamq; tuebere quercum.

[p] Orid. Metlib. Fab. 9.

Fourthly, *Corona Muralis:* [q] Hee onely was honoured with this, which did first scale the wals, and enter first into the enimies city: and hence this crowne was cut vpon the circlet or top like vnto the battlements. Fiftly, *Corona Castrensis.* This the L. Generall bestowed on him, which first entred into the enimies tents; it did beare in it the resemblane of a bulwark or at least of the mound, wherewith the bulwarke was strengthned; which mound was called in Latine *Vallum*, and thence the crowne it selfe was often called *Vallaris corona.* Sixtly, *Corona naualis*, with which he was honoured, which first entred into the enimies ship in a battle vpon sea: it was portrayed with many ship-beakes called in Latine *Rostra*, [r] whence the crowne it selfe was often called *Corona Rostrata.* That Roman *Hercules Siccius Dentatus* obtained almost all those seuerall rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Mertle-tree, the *L.* Generall

[q] Dion. Halicar. lib. 10.

[r] Pigh. l. Tyrannif.

[s] A. Gel. noct. Attic. l. 2. c. 11.

nerall vſed it in the leſſer kinde of triumphs called *Ouationes*, from whence the Coronet it ſelfe was named *Ovalis*. It was then beſtowed when the Herald had committed ſome errour in denouncing warre; or when the enimies conquered were of meane ranke and place, as Servants or Pyrats; or elſe if the victory were gotten without bloodſhed or great hazard, the enimies yeelding without reſiſtance. *In quibus impulvereis & incruentis victoriis, aptam eſſe Veneris frondem crediderunt, quod non Martius, ſed quaſi Venereus quidam triumphus foret.* A. Gell. 5. c. 6.

FINIS.



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Moſes and Aaron.

CIVIL AND ECCLESIASTICAL RITES, VSED BY THE ancient HEBREWES; obſerued, and at large opened, for the clearing of many obſcure Texts thorowout the whole SCRIPTVRE.

Which Texts are now added in the end of the Booke.

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The fourth Edition.

By *Thomas Godwyn*, B.D.

LONDON,
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Moles and Aaron.

CIVIL AND ECCLESIASTICAL

ancient Heathenwas; observed, and

TO

THE RIGHT HONOVRABLE, WILLIAM Earle of *Pembroke*, Lo. Chamberlaine of his Maiesties Houshold, Lo. Warden of the Stanneries, Knight of the most Noble Order of the Garter, one of his Maiesties most Honourable Priuie Councell, and Chancellor of the famous Vniuersity of OXFORD.

All Grace and Happinesse.

Right Honourable:

THat many haue no better acquaintance with Christ and his Apostles, is because they are such strangers with Moses *and* Aaron *: Were customes antiquated thorowly knowne, many difficulties in Scripture would appeare elegancies, and the places*

which now (through obscurity) dishearten the Reader, would then become sweet inuitements to an vnwearied assiduity in perusing those sacred Oracles. If my present labour shall giue such light to some obscure passages, that thereby Gods people shall be drawne on with the greater delight, to exercise themselues in reading of Holy Writ, it shall not repent me of my tedious trauell in these rites and customes of Generations long since past, which whosoeuer vndertaketh, shall finde the way long and thorny, the path ouer-growne, and hardly discernable, the Guides few to direct, and those speaking in strange languages, and many apt to discourage him, because themselues are either lazie and will not, or lame and cannot walke the same way. But now (through Gods assistance) being come to the end of my iourney, the discoueries made on the way, such as they are (and such some are, as not obserued before) humbly craue your Lordships protection.

From Kensington,
Febr. 21. 1624.

Your Honours in all duty and seruice deuoted,

THO. GODWYN.

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MOSES *and* AARON.
THE FIRST BOOKE
treateth of Persons.

CHAP. I.

Of the forme of the Hebrewes Common-wealth vntill Christ his comming, and when the Scepter departed from them.

THe forme and state of gouernment hath beene subiect to change and variation amongst all Nations, but especially amongst the *Iewes*, where these changes are obseruable.

At first, the *Fathers* of their seuerall Families, and their *First-borne* after them, exercised all kinde of gouernment, both *Ecclesiasticall*, and *Ciuill*, being both *Kings* & *Priests*, in their owne houses. They had power ouer their owne Families, to blesse, curse, cast out of doores, disinherit, and to punish with death, as is apparent by these examples of *Noah* towards *Cham*; *Gen.* 9. 25. of *Abraham* towards *Hagar* and *Ismael*, *Gen.* 21. 10. of *Iacob* towards *Simeon* and

Leui, Gen. 49. 3. and of *Iudah* towards *Thamar, Gen.* 38. 24.

In *Moſes* his dayes then did this prerogatiue of primogeniture ceaſe; and as *Aaron* and his poſteritie were inueſted with the right, and title of *Prieſts*; ſo *Moſes*, and after him *Ioſua*, ruled all the people with a kinde of *Monarchicall* authoritie. For *Moſes* was among the righteous as *King, Deut.* 33. 5.

After *Ioſua* ſucceeded *Iudges*; their offices were of abſolute and independent authoritie, like vnto *Kings*, when once they were elected; but there were long vacancies, and chaſmes commonly betweene the ceſſation of the one, and the election of the other: yea for the moſt part, the people neuer choſe a *Iudge*, but in time of great troubles, and imminent dangers; which being ouer-paſt, he retired to a priuate life. After that *Gedeon* had deliuered the people out of the hand of the *Midianites*, he being offered the *Kingdome*, replyed, I will not reigne ouer you, neither ſhall my childe reigne ouer you, *Iudg.* 8. 23. That of *Samuel*, that he iudged *Iſrael* all the dayes of his life, 1 *Sam.* 7. 15. was [a] extraordinarie. In this reſpect their *Iudges* ſymbolize with the *Romane Dictators*. This ſtate of Regiment continued amongſt them by the computation of S. [b] *Auguſtine*, three hundred twentie nine yeeres. In theſe vacancies or diſtances of time, betweene *Iudge* and *Iudge*, the greater & weightier matters were determined by that great Court of the *Seuenty*, called the *Sanedrim*, in

[a] *Zepper lib. 3. leg. Moſ. cap. 6.*

[b] *Aug. de Ciu. Dei, lib. 18. cap. 22.*

in which respect the forme of gouernment may be thought *Aristocraticall*. *Kings* succeeded the *Iudges*, and they continued from *Saul* vnto the captiuitie of *Babylon*, that is, [c] about 520. yeares.

[c] *Zepper leg. Mosaic lib. 3. cap 6.*

From the Captiuitie vnto the comming of *Christ*, (which time is [d] thought to haue beene fiue hundred thirtie six yeares) the state of the Iewes became verie confused. Sometimes they were ruled by *Deputies* & *Vicegerents*, who had not supreme authoritie in themselues, but as it pleased the *Persian Monarchs* to assigne them, [e] they were termed ראשי גלירות, *Raschegaliuth*, ἀρχιφυλέται, *Heads of the Captiuitie*. Of this sort was *Zerobabel* and his Successors, who are reckoned in the [f] *Hebrew* Chronicles to bee these, *Mesullam*, *Hanania*, *Berechia*, and *Hosadia*. All which are thought to haue reigned vnder the *Persian Monarchie*, and to haue beene of the posteritie of *Dauid*: as likewise the other succeeding ten chiefe Gouernours after *Alexander* the Great. In the last of these ten, the gouernment departed from the house of *Dauid*, and was translated to the *Maccabees*, who descended from the Tribe of *Leui*. They were called *Maccabæi*, from *Iudas Macchabæus*, [g] and he had this name מכבאי *Maccabæus*, from the Capital letters of this Motto, written in his Ensigne or Banner, מי כמוך באלים יהוה, *Quis sicut tui inter Deos ô Domine?* Where the first letters are, *M. C. B. A. I.* Among the *Maccabees* soueraigne authoritie continued vntill *Herod* the *Askalonite* his reigne, at what time our Sauiour

[d] *Vide Iuncij Chronol.*

[e] *Maimon. in Iad. lib. 1 it. tract. Sanedrin, cap. 4. §. 13.*

[f] *Seder Olam minus.*

[g] *Cuian Chron. Lib 2. pag. 164.*

Christ was borne, according to *Iacobs* prophecie: The Scepter shall not depart from *Iudah*, nor a *Lawgiuer* from betweene his feet, vntill *Shiloh* (that is, the [h] *Messias*) come, *Genesis* 49. 10.

[h] *Targum Vziel. eadem pene verba habet Targum Jerusalym.*

For the right vnderstanding of this prophecie. wee must note two things, 1. The time when the Scepter was giuen to *Iudah*; 2. When taken from him. But first we must obserue how these two words *Iudah*, and the *Scepter*, are distinguished.

Some take *Iudah*

1. For the [i] Particular *Tribe of Iudah*; but this seemeth flat contrarie to Scripture, for many of the *Iudges* were of other Tribes, and all the *Maccabees* of the Tribe of *Leui*.

[i] *Origenes hom. 17. in Genes. Ephiban. contra Ebionæos, & maxima Hebræorum pars.*

2. For the [k] *Two Tribes* which cleaued to *Rehoboam*; becausse in that diuision of the people, these two Tribes alone were called *Iewes*, and that from *Iudah*, and that neuer before this diuision.

[k] *Cunæus de rep. Hebr. lib. 1. cap. 9. pag. 81.*

3. For [l] *all the whole bodie of Israel*, consisting of twelue Tribes; all which (in the iudgement of these men) were afterward by the singular prouidence of God, called *Iewes* from *Iudah*.

[l] *Euseb. demonstr. lib. 8. cap. 1. Montacut. in Analect. p. 72 Cosaub. contra Baron. p. 16.*

Some

Some take *Scepter*

1. For [m] *Regall power*, and Soueraigne authoritie, residing in one man principally.

2. For the [n] *forme of gouernment*, and face of a Commonwealth, gouerned and ruled by its owne lawes, customes, and rites: signifying as well the rule and authoritie of *inferiour Magistrates*, yea of *Priests* also, as of *Kings* and *Princes*.

[m] *Petes pleriique omnes.*

[n] *Cesarbon. ad vers. Baron. p. 19. It. p. 23. Iustinus Mart. in dialog. cum Typhone. Cunaus lib. 1. de rep. Heb. cap. 9. p. 82.*

From these different acceptions of these two words, flow foure different interpretations of *Iacobs* prophecie.

Some are of [o] opinion, that the *Scepter* taken in the second acception, began to bee giuen to *Iudah*, that is, to the *two Tribes* cleauing to *Rehoboam*, at the time of that diuision of the people: and that this *Scepter* was not taken from them vntill the destruction of *Ierusalem*, because that after *Herods* time vntill then, their lawes remained in force, their *Priesthood* continued, and their Commonwealth, though it were much defaced, yet not quite ouerthrowen.

[o] *Cunæus lib. 1 de rep. Heb. cap. 11. pag. 96.*

Some are of [p] opinion, that the *Scepter* taken in the second acception, began to bee giuen to *Iudah*, that is, to the *Twelue Tribes*, from the

[p] *Ioseph. Scalig. ex quo Cesarb. aduers. Baron. pa. 19. It p. 39.*

the time of *Moſes*; and that this *Scepter* was not taken from them, vntill the deſtruction of *Ieruſalem*: not in *Herod*, becauſe he was a *Iew* (in that hee was a *Proſelyte*) for a *Iew* is a name, ſay they, of *profeſſion*, not of *Countrey*, or *Nation*.

[q] *Montanus in Amos. 8. pag. 74.*

Some are of [q] opinion, that the *Scepter*, taken in the ſecond acception, began to be giuen to *Iudah*, that is, to the *Twelue Tribes*, from the time of *Moſes*, and that it was taken from them in *Herods* time: yet ſo, that in *Herods* time; this was but begun, and inchoate, and at the deſtruction of *Ieruſalem* it was fulfilled and conſummate.

[r] *Auguſtin. contra Manich. lib. 12. cap. 47. Euſeb demonſt. lib 8 Carion. Chron. pag. 143.*

Some are of [r] opinion, that the *Scepter* taken in the firſt acception, began to be giuen to *Iudah*, that is, to the *twelue Tribes*, from the time of *Moſes*, and that it was taken from them fully in *Herods* time. The former opinions, makes the comming of the *Meſſias*, to be a fore-runner of the departure of the *Scepter*: this makes the departure of the *Scepter* to bee a fore-runner or token of the *Meſſiah* his comming, which I take to be the principall thing aimed at in the prophecie. This opinion, as it is more generally receiued than the others, ſo vpon iuſter grounds. Now the *Scepter* was departed, and *giuen* to a *Proſelyte*, neuer ſo before [f]: yea now alſo, the *Lawgiuer* was departed from betweene *Iudahs* feet, and now the *Meſſiah* borne.

[f] *P. Galatin. lib. 4. cap. 6 pag. 203 ex Talmud. Ieroſol.*

CHAP.

Chap. II.

Of the Publicanes.

WEE hauing ſeene the moſt remarkable changes in the Common-wealth of the *Hebrewes*, we will note the chiefe obſeruations concerning the perſons there inhabiting, and firſt concerning the *Publicanes*, who were in the latter times, an heterogeneous member of that Common-wealth. After that the Iewes became tributarie to Rome (which [a] was effected by *Pompey* threeſcore yeeres before the birth of our *Sauiour*) certaine Officers were appointed by the Senate of *Rome*, vnto whom it belonged, as well among the *Iewes*, as in other Prouinces, to collect, and gather vp ſuch cuſtome-money, or tribute, as was exacted by the Senate: thoſe that gathered vp theſe *publique* paiments, were termed *Publicani*, *Publicanes*; and by reaſon of their couetous exactions, they commonly were hated by the people of the Prouinces [b]: Euerie Prouince had his ſeuerall *ſocietie*, or company of *Publicanes*: Euerie *ſocietie*, his diſtinct *Gouernour*, in which reſpect it is, that *Zacchæus* is called by the *Euangeliſt*, ἀρχιτελώνης, *Princeps Publicanorum*, the *chiefe receiuer of the Tribute*, or *chiefe Publicane*, *Luke* 19. 2. And all the prouinciall Gouernours in theſe ſeuerall ſocieties, had one chiefe [c] *Maſter* reſiding

[a] *Ioſeph Lucullus de Pompeio lib. 1. de bell. Iud. cap. 5. pag. 720.*

[b] *Harum ſocietatum frequens mentio facta eſt apud Ciceron. in orat. pro Sex Roſc. Murana, Cn. Plancio.*

[c] *Sigon. de Antiq. iure ciuium Rom. lib. 2 cap 4.*

residing at *Rome*, vnto whom the other subordinate Gouernors gaue vp their accounts. These *Publicanes* were hated in all Prouinces, because of their exactions, but chiefly in the Commonwealth of the *Iewes*, because thogh it were chiefly maintained by the *Galilæans*, yet it was generally inclined vnto by the *Iewes*, that Tribute ought not to be payed by them: this hatred is confirmed by that *Rabinicall* proverb[d], *Take not a wife out of that family wherein there is a Publicane, for such are all Publicanes.* Yea a faithfull *Publicane* was so rare at *Rome* it selfe, that one *Sabinus* for his honest managing of that office, in an honourable remembrance thereof, had certaine images erected with this superscription. Κὰγὼ πιστοῦ, *For the faithfull Publicane.* And therefore no maruell, if in the Gospell, *Publicanes* and *sinners* goe hand in hand.

[d] If. Casaubon. exercit. 13. 37.

* Sueton in Flau. Vespas. c. 1.

It is now generally receiued as a truth vndoubted, that not onely *Heathen* people, but sometimes *Iewes* themselues became *Publicanes*. *Tertullian* was of another opinion[e], and thought that all the *Publicanes* were *Heathens*; but hee hath beene in that long since confuted by [f] *Ierome*, and reason it selfe perswadeth the contrarie. First, *Matthew* who was a *Publicane*, was afterward an *Apostle*, and therefore vnlikely to haue beene an *Heathen*. Secondly, *Zacchæus* his name was a pure *Hebrew* name, hauing no affinitie with *Romane* names. Thirdly, the ground or principall argument

[e] Tertull. de pudic. cap. 9.

[f] Hieronym. epist. ad Damasum.

ment on which *Tertullian* built, was meerely [g] erroneous.

[g] Fraudi fuit actutiſſimo Patri, Hebraica linguæ ignoratio, nusquam enim occurit in fonte, quorum ille textum, quo Tertullianus potissimum nititur, Non erit vestigal, perdens ex filiis Iſrael, Deut. 23.

CHAP. III.

Iſraelites, Proſelytes.

THe whole Common-wealth of *Iſrael* conſiſted of two ſorts of men, *Hebrewes*, and *Proſelytes*; he that was borne an *Hebrew*, either by *Father*, or *Mothers* ſide, was an *Hebrew*; but he that was borne ſo of both, was an *Hebrew of the Hebrewes*; ſuch a one was Saint *Paul*, *Phil.* 3.5. Hee that was borne a *Proſelyte* either by *Father* or *Mothers* ſide, was tearmed *Ben ger*, The ſonne of an *he-proſelyte*, or *Ben gera*, The ſonne of a *ſhe-proſelyte*; But he that was by *Father* and *Mothers* ſide a *Proſelyte*, was termed [a] *Bagbag*, that is, the ſon of he and ſhe *Proſelytes*.

The *Hebrewes* were of two ſorts, ſome liued in *Palæſtina*, and vſed the *Hebrew* text, theſe were called *Hebrewes* or *Iewes*; others were diſperſed in diuers places of *Greece*, they vſed the *Greeke* tranſlation, and thence were termed Ἑλληνισταὶ, [b] *Græciſts*: Saint *Luke* mentioneth both. There aroſe a murmuring, τῶν Ἑλληνιστῶν, of the *Græciſts*, towards the *Hebrewes*, *Acts* 6.1. Where note the difference betweene Ἕλληνες, and Ἑλληνισταὶ, the *Græcians*, and the *Græciſts*; The *Græcians* are vſed by Saint *Paul*, to ſignifie all the *heathen people*, and ſtand in oppoſition with *Hebrewes* in the generall acception, containing both the *Græciſts*, or diſperſed *Hebrewes*, and alſo thoſe of *Paleſtina*: the *Græciſts* were both by birth and religion

[a] Magni quidam nomen Rabbi apud Iudæos fuit, quem ex Paganismo ad Iudaismum conuersum בגבג per ſyllabas appellauerunt, i. filium proſelyti, filium proſelytæ. Pirke Aboth cap. 5.

[b] De Iudæis Græcizantibus vide Scal. animadu. in Euſeb. l. 24. 1. & in Can. Iſagog. 278.

ligion *Hebrewes*, standing in opposition with *Hebrewes* in the strict acception, taken for those of *Palestina*.

The whole body of *Israel* was diuided into twelue Tribes, and publique records were kept, wherein euery ones genealogie was registred, to manifest vnto what particular Tribe he belonged. These records *Herod* burnt, hoping that in after ages, hee might be thought originally an *Israelite*, if those publike monuments might not be produced against him. [c] Thus much *Eusebius* plainly deliuereth of him. I am of opinion, that another reason might be admitted, namely, That no distinction either of Tribe or Family, might appeare, but all being confounded, and amongst the rest, *Dauids*, (vnto whose Family by a peculiar right this Scepter belonged) *Herod* and his posterity might be the better secured of the Kingdome.

[c] *Euseb. Eccles. hist. lib. 1. cap 8.*

Proselytes were those Heathen people, who disclaiming *Paganisme*, became conuerts, and ioyned themselues vnto the Church of the *Iewes*. They were termed *Proselytes*, ἀπὸ τῆ προσηλυδίνω, from their comming and adioyning vnto the *Iewes*. Concerning these *Proselytes*, we will consider these three things. 1. The seuerall kindes of *Proselytes*; 2. The manner of making them; 3. In what account or respect they liued among the *Iewes*.

First, the kinds of *Proselytes* were two; גר בריח *Ger berith*, *Proselytus fœderis*, *A Proselyte of the couenant*. He submitted himselfe vnto the Circumcision, and to the whole *Mosaicall* Pædagogie. [b] The *Rabbies* terme such a one גר צדק *Ger tsedek*, *Proselytus iustitiæ*, *A Proselyte of righteousnesse*. Secondly,

[d] *Rabbi Salomon. Deut. 23. 14.*

שער

גר שער *Gersahagnar, Proselytus portæ*, A *proselyte*, or *stranger within thy gates*, *Deut.* 14.21. Of him also we reade in the fourth Commandement. Hee was suffered to dwell amongst them, whence hee is also called תושב *Toshab*, *Incola*, an inhabitant. He was not circumcised, neither did hee conforme himselfe to *Mosaicall* rites, and ordinances, onely he was tied to the obedience of those commandements, which among the *Hebrew Doctors* goe vnder the name of *Noahs* seuen Commandements: [c] which they reckon thus: 1. Iudgements or punishments for malefactors. 2. Blessing the name of God; vnder this is contained the keeping of the Sabbath. 3. Disclaiming Idolatry. 4. Vncouering ones nakednesse. 5. Shedding of bloud. 6. Robberie. 7. Eating of any member of a beast, taken from it aliue. Of this sort were *Naaman* the *Syrian*, the *Eunuch Cornelius*, and those of whom wee reade, That there were dwelling at *Ierusalem Iewes*, [f] *Men that feared God* of euery Nation, vnder heauen *Acts* 2.5.

[c] *Steingker in pentaglot. p.* 1530.

[f] Ανδρες ευλαβεῖς.

Secondly, to the making of one to be a *Proselyte of the Couenant*, according to the difference of sex, and the difference of times, the rites of initiation varied. To the making of [g] a *Male Proselyte*, at first three things were required. 1. * *Circumcision.* 2. *A kinde of purification by water.* 3. *The bloud of oblation.* This *oblation* was commonly two Turtles or Pigeons. To the making of a *Woman Proselyte*, were required onely, *Purification by water*, and *Oblation*[h]. Nowbecause the *Iewes* haue neither Altar, nor Sacrifice, they say that for the *males*, *Circumcision*, and *Purification by water* sufficeth; and for the *females*,

[g] *Moses Kotsensis fol.* 40. *Col.* 2. במילת׳ רבטבילה רבחרצאת דמים של קרבן.

[h] *Druſius de tribus ſect.* 2. *p.* 102.

onely *Purification by water.* [i] In *Dauids* time they say, that many thousands of *Proselytes* were ioyned vnto the *Church* without *Circumcision*, onely by this *Purification.*

[i] *Moses Ægyptius in Assurebiah, Perek.* 13 *fol* 137. *vide Seruium tribaret. lib.* 2. *cap.* 2.

Hence we may obserue, that a kinde of *initiation by water* was long in vse among the *Iewes*, though it were not *Sacramentall* vntill *Christ* his institution: yea therefore it may seeme to haue beene vsed by them, because they expected it at the comming of the *Messias*, as appeareth by their comming vnto *Iohn*, questioning not so much his *Baptisme*, as his *authority*, by what *authority* hee baptized: Why *baptizest thou then*, if thou be not that *Christ*, nor *Elias*, neither that *Prophet? Iohn* 1.25.

Thirdly, the respect borne by the *Iewes* towards *Proselytes*, was charitable; [k] they vsed no vpbraiding termes towards them, saying, *Remember thy former deeds.* Notwithstanding it was also prouided, [l] No *Proselyte* should be eligible into the Court of their *Sanhedrim*, yea in their common commerce, they had an vsuall prouerbe which admonished them of warinesse, [m] *Vel ad decimam vsque generationem à Proselytis caue*; *Beware of Proselytes to the tenth generation.*

[k] *P. Fag. Exod.* 22, 21.

[l] *Moses Ægypt. lib. vii. Iad Iroth. Sanhedrim, cap.* 2.

[m] *Casaubonus aduers. Baron. p.* 127.

Chap. IIII.

Of their Kings.

WEE shall reade of three sorts of *Kings* in the Old Test. *Melchisedek* was *King* and *Priest*, *Dauid King* and *Prophet*, others simply *Kings*. *Melchisedek* was *King* and

and *Prieſt*, *Dauid King* and *Prophet*. The concurrence of *Princely Soueraignty*, and *holy orders*, in the ſame man, intimates that ſupreme authority ſhould alwayes be accompanied with care of religion: In which reſpect *Ioaſh*, when he was annointed *King*, receiued the Teſtimony or book of the Law, 2 *King*. 11.12. neither did theſe two meet onely in *Melchiſedek* and *Dauid*, but the ſame man among the *Heathens* [a] was oftentimes *King* and *Prieſt*. And *Triſmegiſtus* had his name *Ter maximus*, [b] becauſe he was *Philoſophus maximus*, *Sacerdos maximus*, & *Rex maximus*. All *Kings* were not annointed, but only thoſe in whom ſucceſſion was broken, and there the firſt of the family was anointed for his ſucceſſors, except in caſe of diſſention, where there was required a renued vnction, for the confirmation of his authority. For this reaſon it was that *Salomon* was annointed as well as *Dauid*, becauſe of the ſtrife betweene him and *Adoniah*.

[a] *Rex Anius, Rex idem hominum, Phœbique Sacerdos. Virg. Æneid. lib. 3.*

[b] *Auct. Nemplat. lib. 2. cap. 6.*

Furthermore, *Saul* and *Iehu* were annointed בפך, *Bepac*, with a *Cruſe* of oyle, to ſhew the ſhort continuance of their kingdomes. *Dauid* and *Salomon* were annointed בקרן, *Bekeren*, with an *horne* of Oyle, that is, in a *plentifull meaſure*, to ſhew the long continuance of their Kingdomes.

As Kings were diſtinguiſht from the people by many enſignes of honour, by their Crowne, their Scepter, their Throne &c. ſo likewiſe were they diſtinguiſhed by their apparell; that was the reaſon that *Ahab* entring into battell, changed his apparell, 1 *Kings* 22.30. Though purple and white colours were not appropriated vnto Kings, [c] yet theſe colours were in chiefe eſteeme, and princi-

[c] *Valer. Max. lib. 1. cap. 6.*

[d] *Alex. ab Alex. lib. 1. cap. 10.*

pally vſed by them, [d] yea *purple* aboue others was affected by the *Emperours* and Nobility of *Rome*; and *white* by the Nobility of the *Iewes*, whence the *Hebrewes* terme their Noble-men, and ſuch as are of beſt ranke חרורים, *Chorim*, *Albatos*, men *clad in white*; and on the contrary, men of meaner ranke, חשובים, *Chaſchucim*, *Sordidatos*, men *clad with a foule garment*. Hence is that of Saint *Iames*, if there come a man with a gold Ring, and in goodly apparell, ἐν ἐσθῆτι λαμπρᾷ, in a *white garment*, and there came alſo a poore man, ἐν ῥυπαρᾷ ἐσθῆτι, in a vile or *foule raiment*, *Iam.* 2. 2. This may be the reaſon, why when the *Iewes* accuſed *Chriſt* of treaſon, *Pilate* his ſouldiers clad him in *purple*, *Matth.* 27. 28. and *Herod* the *Tetrarch* of *Galile* put on him a *white garment*, *Luk.* 23. 11. both therein applying themſelues to the cuſtomes of their owne Countrey, and in deriſion, clothing him as a *King*.

Chap. V.

The High-Prieſt, Prieſts, Leuites, and Nethinims.

THere were three rankes or degrees of Miniſters about the *Temple*, *Prieſts*, *Leuites*, and *Nethinims*; they may bee paralleld with *Miniſters*, *Deacons*, and *Subdeacons* in the *Primitiue Church*: Ouer all theſe the *High-Prieſt* was chiefe.

In *Aaron* and his poſterity, was continued the ſucceſſion of the *Prieſts*; the *High-Prieſthood* was tied

tied to the line of his first-borne; all the rest of his posterity were *Priests*, simply so called, or called *Priests of the second Order*, 2 *Kings* 23.4.

Except *Aaron*, and those that issued from his loynes, (in whom the *series* of *Priests* was continued) all the rest of *Leui* his posterity, were called *Leuites*.

Both in the *High-Priest*, and the *second*, or *inferiour Priests*, there are two things considerable. First, their *Consecration*; Secondly, their *Office*. In both these, somewhat they *differed*, somewhat they *agreed*.

In their *Consecration* they differed. First, [a] The *High-Priest* was *annointed*: the materials of this chrisme or ointment are prescribed, *Exod.* 30. 23. It was powred vpon *Aarons* head, *Leuit.* 8. 12. It ranne downe to his beard, and to the border of his garments, *Psalm.* 133. 2. The *second Priests* were onely *sprinkled* with this Oyle, mixed with the bloud of the Sacrifice, *Leuit.* 8. 30. In this was typed out the vnction of our *Sauiour*, who was *annointed* with the Oyle of gladnesse aboue his fellowes, *Psalm.* 45. 8. Hee was *annointed* aboue his fellowes, *Extensiuè*, and *Intensiuè*. *Extensiuè*, for though *Aaron* was annointed *Priest*, *Saul* annointed *King*, *Elisha* annointed *Prophet*, *Melchisedek King* and *Priest*, *Moses Priest* and *Prophet*, *Dauid King* and *Prophet*; yet none saue onely *Christ*, *King*, *Priest*, and *Prophet*. *Intensiuè*, he was *annointed*, we *sprinkled*. Hee was *full* of grace and truth, *Ioh.* 1. 14. And from this *fulnesse*, wee receiue grace for grace, *ver.* 16. And all *Christians*, especially Ministers, are vnto *God* the sweet sauour of *Christ*, 2 *Cor.* 2. 5.

[a] *Hinc Sacerdos summus in sonte legitur Sacerdos vnctus, Leuit.* 4. 5. *Ionathan habet, Sacerdos magnus vel summus. Desuper Aben Esre, Sacerdos magnus ille est Sacerdos vnctus. Lyranus adhuc clarius, Sacerdos vnctus est Sacerdos magnus, quia inferiores Sacerdotes non vngebantur, &c.*

Secondly,

Secondly, they differed in their garments, which were a neceſſary adiunct to their *Conſecration.* The *High-Prieſt* wore at the time of his ordinary miniſtration in the *Sanctuarie*, eight garments, *Exod.* 28. Firſt, *Breeches of linnen*, put next vpon his fleſh. Secondly, A *Coat of fine linnen*, put ouer the breeches. Thirdly, A *girdle embroidered, of fine linnen, blew, purple, and ſcarlet*, wherewith the coat was girded. Fourthly, A *Robe all of blew*, with ſeuenty two bels of gold, and as many Pomegranates, of blew, purple, and ſcarlet, vpon the skirts thereof; this was put ouer the coat and girdle. Fifthly, An *Ephod of gold and of blew, purple, ſcarlet, and fine linnen curiouſly wrought*; on the ſhoulders thereof were two faire *Beryll* ſtones engrauen, with the names of the twelue Tribes of *Iſrael.* This *Ephod* was put ouer the Robe, and girded thereto with a curious girdle made of the ſame. Sixthly, A *Breſtplate wrought of gold, blew, purple, ſcarlet, and fine linnen*, which being a ſpanne ſquare, was faſtned by golden chaines, and rings vpon the *Ephod:* herein were ſet *twelue* ſeuerall ſtones, on which the names of the *twelue Tribes* were engrauen: Moreouer, in this Breſtplate were the *Vrim* and *Thummim* placed. Seuenthly, A *Miter of fine linnen, ſixteene cubits long, wrapped about his head.* Eighthly, A *plate of purple gold, or holy Crowne two fingers broad*, whereon was grauen *Holineſſe to the Lord:* this was tied with a blew lace upon the fore-front of the *Miter.*

Theſe eight garments the *High-Prieſt* vſed in his ordinary miniſtration, and they are termed by the *Rabbies*, בגדי זהב *Bigde Zahab*, *Veſtimenta aurea*,

aurea, Golden Vestiments, because of their richnesse in comparison of other extraordinary garments, which he wore onely, once a yeare, when he entred into the *Holy of Holies*, vpon the Propitiation day, *Leuit.* 15. 4, 23. These latter are called בגדי לבן *Bigde Laban, Vestimenta alba, White garments*, they were in number foure, 1. *A linnen breeches.* 2. *A linnen coat.* 3. *A linnen girdle.* 4. *A linnen Miter*, *Leuit.* 16. 4.

In time of the second *Temple*, [a] because the *Chrisme* or holy oyle could not be found, therefore as formerly in respect of his *unction*, the *High-Priest* was called by the *Talmudists*, מיתרבה משחה *Mithrabe Mischa, Auctus vnctione, The annointed*: so when the oyle was lost, in respect of his *garments*, he was termed, מיתרבה בגדים *Mithrabe begadim, Auctus vestibus, the clothed.* Those fore-mentioned garments [b] the *High-Priest* might not weare abroad in the City, vnlesse some vrgent occasion compelled him, as *Simeon the iust* did, when he went forth to meet *Alexander* the Great.

[a] *Cunaus lib. 2. de rep Heb. cap. 7. pag. 222.*

[b] *Mosis Kotsensis praecept. affirm. 273 fol 212. col 3.*

In his apparell the threefold office of our *Sauiour Christ* was shadowed, the *Crowne* signified his *Kingly* office; the *Vrim* and *Thummim*, and likewise his *Bells* and *Pomegranats*, his *Propheticall* office: by *Vrim* and *Thummim*, hee answered as from an *Oracle*; by the *Bells* was typed the sound of his doctrine; by the *Pomegranats* the sweet sauour of an holy life; the *Names* of the twelue *Tribes engrauen* on the *Ephod*, and the *Brest-plate*, signified his *Priestly office*, presenting vnto God the whole *Church*, for which hee maketh intercession. Hee knoweth his owne sheepe by *name*, *Iohn* 10. 3.

The *inferiour Prieſts* had onely foure garments, which they vſed in their miniſtration. 1. *A linnen breeches.* 2. *A linnen coat.* 3. *A linnen girdle.* 4. *A linnen bonnet*, *Exod.*28.

Thirdly, they differed in their *marriage.* The *High-Prieſt* might not marry a *widdow*, nor a *diuorced woman*, nor an *harlot*, but a *Virgin*, *Leuit.*21.14. From a *widdow* he could not expect the *firſt-loue:* from a *diuorced woman* he could not expect the *firſt or iuſt loue:* from an *harlot* neither *firſt*, *iuſt*, nor *only loue:* all which *Chriſt* (whom the *High-Prieſt* did herein repreſent) expecteth from his *Church.* The other *Prieſts* might lawfully marrie a *Widdow*, *Leuit.*21.7.

The *High Prieſt*, and the *inferiour Prieſts*, agreed in their *Conſecration* in theſe particulars. It was required firſt, that both ſhould bee void of bodily blemiſh, *Leuit.*21.17. Secondly, that both ſhould be preſented vnto the Lord at the doore of the *Tabernacle*, *Exod.*29.4. Thirdly, that both ſhould be waſhed with water, *Exod.* 29.4. Fourthly, that both ſhould be conſecrated by offering vp certaine Sacrifices, *Exod.* 29. Fifthly, that both ſhould haue of the bloud of the other Ramme, put vpon the tippe of the right eare, the thumbe of the right hand, and the great toe of the right foot, *Exod.*29.20.

In the time of their *Conſecration* certaine peeces of the ſacrifice were put into the *Prieſts* hand, *Exod.*29.9. The ceremony in the *Chriſtian Church*, vſed by the *Biſhop* vnto the *Miniſter* in time of *Ordination, that the Biſhop* giueth the *Bible* into the hands of the *Miniſter*, doth much reſemble this.

And

And both may ſignifie, that no man taketh this honour vnto himſelfe, but he that is called of *God*, as was *Aaron*, *Heb.* 5.4. Hence *Conſecration* in the *Hebrew* phraſe is termed *Filling of the hand.* And contrarie to this did *Ieroboams Prieſts*, whoſoeuer would, he *Filled his owne hand*, 1 *King.* 13.33. that is, *He thruſt himſelfe into the Prieſthood.*

In the diſcharge of their offices, the *High-Prieſt* differed from the other *Prieſts*: Firſt, becauſe he onely, and that but once a yeare, entred into the *Holy of Holies*, *Exod.* 16.34.

Secondly, the *High-Prieſt* might not mourne for the death of his neareſt kinne, *Leuit.* 21. 10, 11. The phraſes vſed there to expreſſe mourning are two. Firſt, *vncouering the head.* Secondly, *Renting the clothes*: Of both theſe ſomewhat is ſpoken in the Chapter of *Burials*, but concerning the latter it will not be amiſſe, to note that the *Talmudiſts* determine the matter thus: ſaying, [c] That it was lawfull for the *High-Prieſt* to teare the skirt, or nether part of his garment, but from the boſome downeward it was vnlawfull: which if it bee true, then it doth not neceſſarily follow, that *Caiaphas* did contrary to the Law in renting his clothes, *Matth.* 26.65. *The inferiour Prieſts* might mourne for theſe ſix; *Father*, *Mother*, *Sonne*, *Daughter*, *Brother*, and *Siſter*, *that had no husband*, *Leuit.* 21.2.

[c] *Vide Cunæum de rep. Hebr. lib.* 2 *c.* 3.

In the diſcharge of their offices, the *High-Prieſt*, and other *Prieſts* agreed in theſe particulars: Firſt, They both burnt incenſe, and offered ſacrifices, 1 *Chron.* 6.49. Secondly, they both ſounded the Trumpets, the vſe whereof was two-fold, ſometimes to ſound an alarum in warre, ſometimes

to assemble the people and their Rulers, *Numb.* 10. Thirdly they both slew the sacrifices, 2 *Chron.* 29. 22. Fourthly, they both instructed the people, *Malac.* 2. 7. Fifthly, they both iudged of leprosie, *Leuit.* 13. 2.

For the more orderly performance of these offices, the *High-Priest* had his suffragan, [d] called סגן *Sagan*, who in case of the *High-Priests* pollution, performed his office. Of this sort was *Zephaniah*, *Ierem.* 52. 24. And of this sort *Annas* is thought to haue beene, when *Caiaphas* was *High-Priest*. [e] In this sense they interpret *Annas* and *Caiaphas* to haue beene *High-Priests* the same yeare, *Luk.* 3. 2. The *High-Priest* and his *Sagan*, resembled our *Bishop* and his *Suffragan*: The *Patriarke* of *Constantinople* and his *Primore* termed *Protosyncellus*, and amongst the *Romans*, the *Centurion* and his *Optio*: for the *Lieutenants* in warre, who in case of necessity supplied the *Centurions* place, were termed *Optiones*.

[d] Elias Thesbit.

[e] Casaubon. aduers. Baron. p. 242. It. Ioseph. Scalger. in Prolegom. ad Eusseb.

That euery one of the inferiour *Priests* might equally serue in his order, *King Dauid* distributed the whole company of them into twenty foure rankes or courses, called ἐφημερίαι, *Turmæ*, *vices*. *Nadab* and *Abihu* being dead, there remained only two sonnes to *Aaron*, namely, *Eleazar* and *Ithamar*; now as the succession of *Priests* was preserued in these two Families, so did *Dauid* at this time according to the number of people in each Family, make his diuision. *Eleazars* Family hee diuided into sixteene rankes, and *Ithamars* into eight; the diuision was by *Lot*, the first *Lot* fell to *Iehoiarib*, the second to *Iedaiah*, the third to *Harim*,

Hairim, &c. 1 *Chron.* 24. Euery ranke or courſe ſerued weekly in the *Temple* by turne, and the ranks receiued their names from thoſe, who at that time were the heads of the ſeuerall Families, and euer after retained the ſame names. The chiefe of euery ranke was called, *Summus Sacerdos iſtius claſſis: The chiefe Prieſt of that ranke.* Hence it is that wee reade of many *High Prieſts* aſſembled together, *Marke* 14. 1. Furthermore wee are to note, that as the weekly courſe fell out by lot, ſo did they by lot determine each particular *Prieſts* ſeruice; namely, who ſhould burne Incenſe, who ſlay the beaſts, who lay them on the Altar, who dreſſe the Lampes, &c. *Zacharias* was of the *courſe of Abia*, *Luke* 1.5. that is, of the *eighth courſe*, and his lot was to burne Incenſe, *Luke* 1.9.

The office of the *Leuites* was to pitch, to take downe, to beare vp and downe the *Tabernacle*, and the veſſels thereof. *Leui* had three ſonnes, *Gerſhon*, *Cohath*, and *Merari*: and accordingly the whole company of the *Leuites* were diſtinguiſht into three orders, *Gerſhonites*, *Cohathites*, and *Merarites*. The *Gerſhonites* charge was to carrie the coueringsand hangings of the *Tabernacle*. The chiefe things within the Sanctuary were committed to the *Cohathites*. The wood-worke, and the reſt of the inſtruments were committed to the charge of the *Merarites*, *Numb.* 3. This was the office of the *Leuites*, in *Moſes* his time, and whiles they were on their iourney in the wildernesſe; but afterward when they were ſetled in the promiſed Land, then *Dauid* changed their office, appointing them, ſome to haue the charge of the treaſures of the *Temple*,

1 *Chron.* 26. 20. others to be ouer-seers and *Iudges*, others to be *Porters*, others *Singers*, 1 *Chron.* 23. 4. The *Singers* in time of singing were clad in linnen Robes, or Surplesses, 2 *Chron.* 5. 12. The *Singers* were diuided into twenty foure *orders* or *courses*, 1 *Chron.* 25. 8. And the *Porters* into as many, 1 *Chron.* 26. that both might supply their turnes weekly by lot, as the *Priests* did. In *Moses* time also, their *Consecration* beganne at the *fiue and twentieth* yeare of their age: In *Dauids* at the *twentieth*, 1 *Chron.* 23. 24. *Ezra* 3. 8. Here wee may note the libertie granted vnto the *Church*, in changing *Ceremonies*: the office of the *Leuites* in *Dauids* time, was not the same as in *Moses*; and againe, *Moses* and *Dauid* agreed not in the time of their *Consecration*. Againe, in the *Christian Church* we shall finde in *Matthias* his election, the vse of *Lots*; not so in *Pauls*, or any other of the *Apostles*: In their meetings, vse of an *holy kisse*; and at the Lords Supper, vse of their *Loue-feasts*, both now antiquated thorowout *Christendome*.

Moreouer there are certaine *degrees* obseruеable among the *Leuites*: First, their *Initiation*, when they were a moneth old, they were *initiated*, and presented vnto *God*, *Numb.* 3. 15. Secondly, their *Consecration*, they were *consecrated* by imposition of hands, when they were fiue and twentie yeares old, *Numb.* 8. 24. From thence for the fiue yeares following, they learned their office. Those that imposed hands on them, are said in the Text *Numb.* 8. 10. to bee the *sonnes of Israel*. *Chazkuni* interpreteth that place, the *First-borne of Israel*. They were the *Representatiue Church*,

and

and in alluſion to this, the *Church of Chriſt* is called the *Church of the firſt-borne*, *Hebr.* 12. 23. At the ſame time the *Leuites* were *waued* by the *Prieſts*, that is, as the Greeke readeſ it, [f] *Separated*, which word is vſed for the *Miniſters of Chriſt*, [g] *Separate mee Barnabas and Paul*, *Acts* 13. 2. Thirdly, their *Miniſtration*, to carrie vp and downe the *Tabernacle*, and this was at the thirtieth yeare of their age, vntill the fiftieth, *Numb.* 4. 3. Laſtly, their *vacation*, or *diſcharge* from that laborious ſeruice of carrying the *Tabernacle*; notwithſtanding euen then they were to ſerue in their charge, to encampe round about the Tent, to ſing, and to beware that no ſtranger came into the Temple, [h] and likewiſe to ouerſee and inſtruct younger *Leuites* in manner of *Biſhops*. Vnto theſe degrees the Apoſtle ſeemeth to haue reſpect: They that haue miniſtred well get themſelues a good *degree*, 1 *Tim.* 3. 13. The like kinde of [i] *degrees* are obſeruable among the *Veſtall Virgins*, they remained in their Nunnery thirtie *yeares*. *Ten yeares* they learned the myſteries of their profeſſion; *Ten yeares* they exerciſed them, and *Ten yeares* they taught them others. From this cuſtome of *impoſing hands* on the *Leuites*, hath flowne the like cuſtome, vſed by the *Apoſtles* in conferring Orders, *Acts* 6. 6. 1 *Tim.* 5. 22.

[f] Ἀφορισθῆναι.
[g] Ἀφορίσατε.
[h] *Franciſc. Iunius Anim. Expoſ. Num.* 8.
[i] *Dionyſ. Halycarnaſſ. lib.* 2.

Obſerue the difference of theſe three phraſes, Χειροθεσία, The *impoſition of hands*. Χειροτονία, The *holding vp of hands*, in token of *eleuation* or *ordination*, *Acts* 14. 23. And ἔκτασις χειρῶν, *A ſtretching forth of the hands*. Both the firſt geſtures were vſed in *Ordination*, or *conferring Orders*. The firſt of all, namely,

namely, *imposition of hands*, was borrowed from the *Hebrewes*. The second, namely, the *holding vp of hands*, was taken from the [k] *Athenians*, who had two sorts of Magistrates, Κλήρωτοι, *Magistrates chosen by Lots*: and Χειροτόνητοι, *Magistrates chosen by holding vp of hands*. The third gesture of the hands, called ἔκτασις χειρῶν, A *stretching forth of the hands*, [l] sometimes it is termed, τὸ χεῖρι νεῦμα, the *beckning with the hand*, a gesture vsed in craning silence; so *Paul* stretched forth the hand and answered for himselfe, *Act.26.1.*

[k] Æschines contra Ctesiphontem.

[l] Hesychius. p.45.

There were [m] another sort of holy persons, termed אנשי מעמד *Anshe, Magnamad, Viri stationarii*, the Law requiring that whosoeuer offered either gift or sacrifice, he should present it vnto the Lord with his owne hands, and *stand by* during the time of his oblation. Now because all *Israel* could not *stand by*, for the narrownesse of the place, hence when an offering was made for all the people, certain selected persons chosen for that purpose, supplied the stead of all the people. They were diuided as the *Priests* and *Leuites*, into twentie foure *rankes* and *orders*, weekly to minister in the *Temple*, but the choice was not restrained to the *Tribe* of *Leui*, but was indifferently made out of the *people*. Euery *ranke* had one *foreman*, chiefe aboue the rest, termed [n] *Stationum Princeps*, the *Foreman of that station*. The *Nethinims* office was to bee hewers of wood, and drawers of water for the house of God; they were not *Leuites*, no nor *Israelites*, but *Gibeonites*, whom because of their fraudulent dealing, *Ioshuah* made in this manner tributary, *Iosh.9.23.* They were afterward called *Nethinims*,

[m] Mose Kotsensis, fol.211.col.4.

[n] ראש מעמד

Nethinims, *Ezra* 2.43. *from* נתן *Nathan*, which signifieth to *giue*, becauſe they were *giuen* for the ſeruice of the *Temple*. Their office was vile and baſe, as appeareth by that prouerbiall ſpeech; From the hewer of thy wood, vnto the drawer of thy water, *Deut.*29.11.

Chap. VI.

Of the Prophets.

THere are diuers names giuen vnto the Expoſitors of the Law, and although the particular yeare or time when each name beganne, be not clearely euidenced by monuments of *Antiquity*, yet in generall wee may conceiue three diſtinct periods of time, in which the names altered. Firſt, from *Adam*, vntill *Moſes*. Secondly, from *Moſes*, till the peoples returne from *Babylon*. Thirdly, from their *returne*, vntill the dayes of *Chriſt*, and after. In the firſt period as *Adam* was *Prophet* and *Prieſt* in his family, ſo afterward euerie *firſt-borne* ſupplyed theſe two offices, together with their *Princely* office in their ſeuerall families. That they ruled their families as *Kings*, and inſtructed them as *Prophets*, is cleare to any acquainted with Scripture; the greateſt doubt is, what ſufficient proofe there is for their *Prieſthood*. *Adams Prieſthood* is gathered hence, [a] becauſe that *Gen.* 4.3, & 4. *Abel* and *Kain* are ſaid to haue brought their ſacrifices: to haue brought them, namely, vnto *Adam*, who offered them vnto God in their

[a] *Bertram Polit. Iud. cap.2.p.17.*

name. The *Prieſthood* of the *Firſt-borne* is gatherable hence, becauſe the *Leuites* were appointed to the ſeruice of the Altar, in ſtead of the firſt-borne, and as their λυτρὸν, or price of *Redemption*, *Num.* 3.41. In the ſecond period, though a *priuate catechetical expoſition* of the Law belonged to the *Maſters of families*, yet the *publike miniſteriall expoſition* thereof was appropriated to *Prieſts*, and *Prophets*. In the third period when prophecie ceaſed, then the office of expounding Scripture was more common, and in ſtead of *Prophets* came in a multitude of other Expoſitors; In generall wee may call them *teachers of Iſrael*, *Ioh.* 3.10. Wee may diſtinguiſh them into three ſeuerall ſorts, 1. *wiſemen*, 2. *Scribes*. 3. *Diſputers*. The *Apoſtle* compriſeth them all, 1 *Cor.* 1.20. Where is the *wiſe*? Where is the *Scribe*? Where is the *Diſputer*? Vnto any of theſe, or whatſoeuer other *Doctor* eminently gifted aboue others, the title *Rabbi* was prefixed. Firſt, of their *Prophets*. Secondly, their *wiſemen*. Thirdly, their *Scribes*. Fourthly, their *Diſputers*. Fifthly, their *Rabbies*.

To *Prophecie*, or to bee a *Prophet*, hath diuers acceptions in Scripture. Firſt, it is taken for the *bookes* and writings *of the Prophets*. They haue *Moſes* and the *Prophets*, *Luke* 16.29. Secondly, for the whole word of *God*: No *Prophecie* in the Scripture is of any priuate motion, 2 *Pet.* 1.20. Thirdly, thoſe vnto whom God vouchſafeth familiarly to reueale himſelfe, they are called *Prophets*. *Abraham* was a *Prophet*, *Gen.* 20.7. and *Miriam* a *Propheteſſe*, *Exod.* 15.20. Fourthly, ordinary interpreters of the word are called *Prophets*. He that receiueth

ueth a *Prophet* in the name of a *Prophet*, *Matth.* 10. 41. Laſtly, it is taken for thoſe, who were enabled by diuine reuelation, to lay open hidden ſecrets, tranſcending all poſſibility of humane ſearch. Hence it is, that *Prophets* in old time were called *Seers*, 1 *Sam* 9.9. And their *Prophecie* was termed a *viſion*, *Eſay* 1.1. becauſe *God* extraordinarily inlightned their minds with the knowledge of theſe ſecrets.

There are three obſerueable names applyed to *Prophecie* in *Scripture*. 1. *Verbum Domini*. 2. *Viſio*. 3. *Onus*. The *word of the Lord*. *Viſion*. *A burden*. The firſt importeth the *Lord ſpeaking*, or reueaſing his ſecrets; the ſecond implyeth the *Prophets attending*, or beholding them; the third being applied onely to *Iudgements*, ſignifieth the *burdenſomneſſe* of them, on that people againſt whom they came forth.

For the propagation of learning, *Colleges* and *Schooles* were in diuers places erected for the *Prophets*, their *Schollers* were termed [b] *Filii Prophetarum*, *Children of the Prophets*, 2 *Kings* 6. 1. vnto which phraſe there is alluſion, *Matth.* 11. 19. *Wiſdome is iuſtified of her children*: by reaſon of this relation, the *Prophet* ſometime is called a *Father*, *Eliſha* cryed out, my *Father*, my *Father*, 2 *King.* 2. 12: The [c] *Targum* expoundeth that place, *Rabbi*, *Rabbi*, as much as to ſay, my *Maſter*, my *Maſter*. And in truth the *Rabbies* grew very ambitious of the name *Father*, which was the reaſon of our *Sauiours* ſpeech, *Mat.* 23.9. Call no man *Father* vpon earth.

[b] *Eodem ſenſu Graeci appellant artis medicae candidatos ἰατρῶν παῖδας, Euſeb. Epiſt. dedicatoria Hilario praefix.*

[c] *Targum.* 2. *Reg.* 2. 12.

The [d] *Scripture* ſometimes ioyneth to the name of the *Prophet*, the name of his *Father*, as

[d] *Kimchi in praefat. ad Hoſeam.*

Hoseathe sonne of Beerie, *Hos.* 1. 1. And such a one the *Hebrewes* confesse to bee both a *Prophet*, and the *sonne of a Prophet*. Sometimes it mentioneth the *Prophets* name, but not the *Fathers*, such a one they confesse to bee a *Prophet*, but not the *sonne of a Prophet*: Sometimes it mentioneth with the *Prophet*, the *name of the City* where hee propheſied, and then it followeth, that he was a *Prophet of that City*. When a *Prophet* is mentioned without the *name of the City*, then he is thought to bee a *Prophet of Ieruſalem*.

2. *Wiſemen*: This title though in it ſelfe it bee generall and common to all *Doctors*, and Teachers of the Law, yet for many yeares before our *Sauiours* Incarnation, [c] it was either arrogated by the *Phariſees*, or elſe by the ignorant multitude appropriated vnto them, from an opinion of their extraordinary *wiſdome*, in teaching of Traditions, which they preferred beyond the Law. Hence the *Phariſees* were called, [f] *Maſters of the Traditions*. And hence was that counſell of *R. Eleezar* to his Scholars, [g] That they ſhould forbid their children from the ſtudy of the *Bible*, and place them betweene the knees of their *wiſemen*. [h] Likewiſe hence, when any of their *Doctors* did reade Lecture, their ſaying was, οἱ σοφοὶ διδάσκουσιν, *Our Wiſemen doe teach traditions*. The like ambition we ſhall finde among the *Græcians*, all of them ſtriuing to be intituled σοφοὶ, *Wiſemen*. And hence, whenſoeuer the chiefe of them had pleaſed the people in the performance of their Orations, or any other publike buſineſſe, they were honoured with a *Grande* Σοφός, that is, with a loud acclamation of σοφῶς, σοφῶς, *well*

[c] *Gorionid. lib. 4. cap. 20.*

[f] *Drus. de trib. ſect. p. 86.*

[g] *Buxtorf. Recenſ. operis Talmud. p. 295.*

[h] *Hieronym. ad Galatas, quæſt. 10.*

Well done, or *wiſely done*, vntill *Pythagoras* in diſlike of ſuch ſwelling titles, ſtiled himſelfe *Philoſophus*, a *Louer of wiſdome*, which kinde of modeſty was afterward practiſed by the *Hebrew Doctors*, for they in after times, to auoid the ſuſpition of arrogancie, refuſed the name of חכמים *Chacamim*, *Wiſemen*, [i] and ſtiled themſelues, תלמידי חכמים *Diſcipuli ſapientum*, *Learners of Wiſedome*. [i] *Elias Thisbit.*

3. *Scribes*: This name was giuen to two ſorts of men, ſome meerely *Laickes*, others *Clergie men*. The body of the *Laicke Scribes*, were thoſe, to whom was committed the inſtruction of young children in their minority, eſpecially to teach them to write, we may *Engliſh* them *Scriueners*. This office was appropriated to the Tribe of *Simeon*. In this ſenſe we read not of *Scribes* in the *Scripture*, although the ground of their firſt inſtitution haue beene taken thence, namely, from thoſe words which *Iacob* vſed vnto *Simeon* and *Leui*; I will diuide them in *Iacob*, and ſcatter them in *Iſrael*, *Gen.* 49.7. So that as *Leui* had no portion, but liued diſperſed among the other Tribes, by the benefit of the Altar: [k] In like manner *Simeon* had no portion in the iudgement of the *Hebrewes*, but liued ſcattered among the other Tribes, getting their maintenance by teaching and ſchooling little children: whether this office of teaching children was appropriated to them, I leaue to the enquiry of others; certaine I am, that the *Simeonites* had their owne inheritance by Lot, *Ioſh.* 19.1. and the prophecie concerning their being ſcattered, is thought to haue beene accompliſhed in this, that the inhe- [k] *Solom. Iarchi Gen.* 49. *vide Ambroſ. lom.* 4. *cap.* 3. *& Targum Hieroſolymit.*

ritance of the *Simeonites*, was taken out of the portion of the children of *Iudah*, *Ioſh.19.9.* Furthermore it is certaine, that if not all *Scriueners*, yet thoſe publike Notaries who were imployed in drawing deeds, and writing contracts (be they of what Tribe they will) they were called by the name of *Scribes*. Vnto this there is alluſion, *Pſalm.* 45.1. My tongue is as the *penne* of a ſwift *writer*, or *ready Scribe*. Out of the body of theſe I conceiue certaine choice men to haue beene elected for publike imployments, ſome to attend the *King*, as his *Secretaries*, termed γραμματεῖς βασιλέως, the *Kings Scribes*, 2 *King.*12.10. Such were *Sheia*, 2 *Sam.*20.25. And *Shaphan*, 2 *King.*22.3. Others to attend the publike Courts and Conſiſtories: they much reſembled our *Clerkes of Aſsizes*, theſe were termed γραμματεῖς λαοῦ, the *Scribes of the people*, *Matth.*2.4. *It.*1 *Maccab.*5.42.

The ſecond ſort of *Scribes* belonged to the *Clergie*, they were Expoſitors of the Law, and thence are they called γραμματεῖς τῶ νόμου νομικοὶ, & νομοδιδάσκαλοι, *Scribes of the Law*, *Eſr.*7.9. *Expounders of the Law*, *Luke* 7.30. and *Doctors of the Law*, *Luke* 5.17. Their office was to write, reade, and expound the Law of *Moſes* to the people. The name was a name of *Office*, not of *Sect*. Of this ſort was *Eſdras*, *Eſr.*7.6. who though hee were a *Leuite*, yet [1] others there were of the Tribe of *Iudah*, and, as it is thought, they might indifferently bee of any Tribe. The name was of the like eſteeme among the *Hebrewes*, as the *Magi* were among the *Chaldeans*; the *Quindecimuiri* among the *Romanes*, for expounding *Sybillaes Oracles*: or the *Canoniſts* in the *Church*

[1] *Druſius de tribus ſectis lib.*2. *cap* 12. *ex Chald. paraphraſt.*

Church of Rome. The word סופרים *Sopherim*, tranſlated *Scribes*, ſignifieth *Numberers*, or *Computers*, and is applied to the *Maſorites*, becauſe they ſpent their time in reckoning, and numbring, not onely the verſes, but the words alſo, and letters of each booke thorowout the *Bible*; which as it is an argument of their induſtry, [m] ſo likewiſe of *Gods* prouidence, in the preſeruation of his truth inuiolable. As the *wiſemen* in their preaching preſſed traditions: ſo the *Scribes* claue to the written word, whence they were [n] termed *Text-men*, or *Maſters of the Text*. And to this purpoſe it is worth our obſeruing, that whereas both the *Scribes* and the *Phariſes* ſought to faſten accuſations vpon our *Sauiour*, *Matth.9.* The *Scribes* accuſed him of blaſphemie, Verſ.3. The *Phariſes* of eating with *Publicanes* and ſinners, Verſ. 11. The *Scribes* accuſation was a breach of the Law; the *Phariſes* a breach of traditions.

[m] *Auguſtin. in Pſalm 40.*

[n] *Druſius de trib. ſcelis l. 2. cap. 13.*

3. The *Diſputer*. [o] He inſiſted vpon *allegories*, and ſearched out myſticall interpretations of the *Text*. Hence himſelfe was termed *Darſchan*, and his expoſition, or homily, *Midraſch*. And their Schoole, *Beth Hammidraſch*. They were counted the profoundeſt Interpreters, whence that of the *Pſalmiſt*, *Pſalme* 84.7. *They goe from ſtrength to ſtrength*, [p] is interpreted, *from their Temple to their Beth Hammidraſch*, from an inferiour to an higher Schoole. Hereby we ſee the difference betweene thoſe three ſorts of predicants mentioned by Saint *Paul*. The *wiſe men* were teachers of *Traditions*, the *Scribes* teachers of the *Text* according to the literall interpretation, and the *Diſputers* teachers of *allegories*,

[o] *Vide Thiſbit. in* דרש

[p] *Targum Pſalm.* 84.7.

allegories and *myſteries*; which fabulous expoſitions, becauſe they breed queſtions and diſputations, ζητήσεις παρέχουσι, 1 *Tim.* 1. 4. Hence is it that ſuch an expoſitor is termed συζητητὴς, A *Diſputer*. Theſe three ſorts of preachers, which Saint *Paul* termeth, the *wiſe man*, the *Scribe*, and the *Diſputer*, 1 *Cor.* 1. 20. are by the *Hebrewes* named חכם *Chacam*, סופר *Sopher*, דורשן *Darſchan*.

Chap. VII.

Of their title Rabbi.

About the time of our *Sauiour Chriſt* his natiuity, titles beganne to bee multiplied, and amongſt the reſt, theſe of *Rab*, *Ribbi*, *Rabbi*, and *Rabban*, were in eſpeciall vſe: they all are deriued from רבב, *Rabab*, ſignifying, *Multiplicatus fuit*, and they ſound as much as πολυμαθὴς, that is, a *Maſter*, or *Doctor*, eminently gifted with variety of knowledge. Concerning theſe titles, they write thus, [a] that *Rabbi* is a more excellent title than *Rab*; and *Rabban* more excellent than *Rabbi*; and the ſimple name without any title, as *Haggi*, *Zachari*, *Malachi*, was more excellent than *Rabban*. About this time they vſed a ſet forme of diſcipline in their Schooles. The Scholler was termed תלמיד, *Talmid*, a *Diſciple* in reſpect of his learning, קטן *Katan*, a *Iunior*, in reſpect of his minority; בחור *Bachur*, that is, one *choſen*, or *elected*, in reſpect of his *election* or *cooptation*, into the number of *Diſciples*. After hee had proued

[a] *Aruch in voce* אבדיי

proued a good proficient, and was thought worthy of ſome degree, then was hee by impoſition of hands made a *Graduate*, חבר *Chaber*, a *companion* to a *Rabbi*. This impoſition of hands, they termed סמיכה *vel* סמיכות, *Semicah*, or *Semicuth*, which ceremony they obſerued in imitation of *Moſes* toward *Ioſhua*. The Lord ſaid vnto *Moſes*, Take thou *Ioſhua* the ſonne of *Nun*, in whom is the ſpirit, and, *Put thine hand vpon him*, *Numb.* 27. 18. At which time hee that impoſed hands on him, vſed [b] this forme of words, *I aſſociate thee, and bee thou aſſociated*. After this, when hee was worthy to teach others, then was hee called *Rabbi*; and whereas in his *minority*, his owne name being ſuppreſſed, he was called onely by his *Fathers name*, *the ſonne of N.* When hee was made *Graduate* by *impoſition of hands*, then was hee called by his *owne name*, *N. the ſonne of N.* And afterward when hee was thought worthy to teach, then was the title *Rabbi* prefixed, after this manner; *Rabbi N. the ſonne of N.* For example, *Maimonides*, at firſt was termed onely *Ben Maimon*, the ſonne of *Maimon*: after his degree, then was hee called by his owne name added to his Fathers, *Moſes Ben Maimon*, *Moſes the ſonne of Maimon*: at laſt being licenced to teach, then was he called רמבם *Rambam*, which abbreuiature, conſiſting of Capitall letters, ſignifieth *Rabbi Moſes ben Maimon*, *Rabbi Moſes the ſonne of Maimon*. So *Rabbi Leui*, the ſonne of *Gerſom*, in his minority was called the ſonne of *Gerſom*, afterward *Leui the ſonne of Gerſom*; at laſt, רלבג *Ralbag*, *Rabbi Leui the ſonne of Gerſom*. This diſtinction of *Schollers*,

[b] אני סרמך ארחך תהיה סמוך *Id eſt*, *Scaliger interpretatur*: *Ego tibi impono manum*, *& manus tibi impoſita eſto*. *Triberef. c.* 9. *p.* 264. *vide etiam Cunæum de Rep. Heb lib.* 1 *cap.* 11.

Companions, and *Rabbies*, appeareth by that ſpeech of an ancient *Rabbi*, ſaying, [a] *I learned much of my Rabbies or Maſters, more of my Companions, moſt of all of my Schollers.* That every *Rabbi* had diſciples, and that his owne diſciples, and other well-wiſhers ſtiled him by the name of *Rabbi*, in the dayes of our *Sauiour*, needeth no proofe. *Iudas* came to *Chriſt*, and ſaid, *God ſaue thee Rabbi*, *Matt.* 26.49. In like manner *Iohns Diſciples* came and ſaluted *Iohn* by the name of *Rabbi*, *Iohn* 3. 26. And *Chriſt* by the name of *Rabbi*, *Iohn* 1. 38. But whether there was ſuch a formall impoſition of hands then in vſe, I much doubt. The manner of their meetings, when Diſputations were had in their Synagogues, or other Schooles, was [d] thus. The chiefe *Rabbies* ſate in reſerued chaires, theſe are thoſe chiefe ſeats in the *Synagogues*, which the *Scribes* and *Phariſes* ſo affected, *Matth.* 23. 6. Their *Companions* ſate vpon benches or lower formes, their *Schollers* on the ground at the feet of their Teachers. Saint *Paul* was brought vp at the feet of *Gamaliel*, *Acts* 22. 3. And *Marie* ſate at *Ieſus feet*, and heard his word, *Luke* 10. 39. The poſiture of their body differed according to their degrees. The [e] *Rabbi* is deſcribed to bee ישב, *Ioſcheb*, one that ſitteth: The *Companion*, מושח, *Museth*, the word ſignifieth a kinde of leaning vpon a bed or bench, ones head lying in the others boſome, in manner of the ancient ſitting at table, and it was a deportment of the body, inferiour to that of [f] *ſitting*: The *Scholler* was termed מתאבק, *Mithabek*, one that doth lie along in the duſt, and this was a token of the *Schollers* humilitie, thus humbling

[a] *Vide P. Fagium in Scholiis ſuis ad cap. 4. Pirke Aboth.*

[d] *Philo Iud. Quod omnis probus, pag. 879.*

[e] *Scaliger in Tribarſ. cap. 5. ex c. 1. Beraceth.*

[f] *Pirke Aboth c. 4.*

humbling and subiecting himselfe euen to the feet of his *Master* : [g] This some custome it is thought, Saint *Paul* laboured to bring into the *Christian Church*, 1 *Cor.* 14. Their Schollers were not all of equall capacity, whence [h] they said, some had *conditionem spongiæ*, others *clepsydræ*, others *sacci facinacei*, and others *Cribri*. Some resembled the *sponge*, and sucks in all that they heard without iudgement; others the *Houre-glasse*, they tooke in at one eare, and let out at the other; others the *winesacke*, thorow which Wine is so drained from the dregges, that onely the dregges remaine behinde: lastly, others the *Rying-seiue*, which in winnowing lets out the courser seed, and keepeth in the corne.

[g] *Ambros. 1 Cor. 14.*

[h] *Pirke Aboth. c. 5.*

CHAP. VIII.

Of their Nazarites and Rechabites.

THere are two sorts of *Votaries* mentioned in the Old *Testament*, *Rechabites*, *Ierem.* 35. and *Nazarites*, *Numbers* 6. I finde scarce any thing warrantable concerning these two, more than what the Scripture deliuereth in the forequoted places: therefore concerning the matter of their vowes, I referre the Reader to the foresaid Texts of Scripture, here onely we will note the distinction of *Nazarites*. The first are these *Votaries*, termed so from נזר *Nazar*, to separate, because they separated themselues from three things: *First*, from Wine, and all things proceeding from

the Vine. *Secondly*, from the razor, becauſe they ſuffered no razor to come vpon their head, but let their haire grow all the dayes of their ſeparation. *Thirdly*, from pollution by the dead: this ſeparation againe was twofold, either for a ſet number of dayes, or for a mans whole life, that they termed *Naziræatum dierum*, this, *Naziræatum ſeculi*: of that ſort was Saint *Paul* and thoſe foure with him, *Acts* 21.24. Of this ſort was *Sampſon*, *Iudges* 13. and *Iohn Baptiſt*. The iuſt number of dayes, how long the former of theſe two ſeparated themſelues, is not expreſſed in *Scripture*, but the [a] *Hebrew Doctors* determine them to be thirty, becauſe it is ſaid, *Numb.* 6.5. *Domino ſanctus* קדוש יהיה *erit*; which word, (ſay they) containing thirty, expreſſeth the iuſt number of dayes to be obſerued in this voluntary ſeparation. The ſecond ſort of *Nazarites*, were ſo termed from נצר, *Natſar*, from whence commeth *Natſereth*, or *Nazareth*, the name of a certaine Village in *Galile*, where Chriſt was conceiued and brought vp: Hence our *Sauiour* himſelfe was called a *Nazarene*, or *Nazarite*, *Matth.* 2.23. and thoſe that embraced his doctrine *Nazarites*, *Act.* 24.5. Afterward certaine *Heretikes* ſprung vp, who, as the *Samaritanes* ioyned *Iewiſh Ceremonies* with *Heathenish* rites: ſo [b] they ioyned together *Chriſt* and *Moſes*; the *Law* and the *Goſpell*; *Baptiſme* and *Circumciſion*: of the beginning of theſe wee ſhall reade, *Acts* 15.2. Then came downe certaine from *Iudæa*, and taught the brethren, ſaying, *Except yee bee circumciſed after the manner of Moſes, yee cannot beeſaued.* Theſe Heretiques were called *Nazarites*, either of malice by the *Iewes*,

[a] *Shindler in Pentaglot.*

[b] *Hieronym. Iſaiæ 8. Idem refert Epiphanium l. 1. Tom. 2. hær. 29.*

to

so bring the greater disgrace vpon *Christian* religion; or else because at first they were true, though weake *Nazarites*, that is, *Christians* misled by *Peters Iudaizing* at *Antioch*, *Gal.* 2. 11. And hence it is [c] thought, that the *Church* at *Antioch*, in detestation of this new-bred heresie, fastened vpon them by the name of *Nazarites*, forsooke that name, and called themselues *Christians*, *Acts* 11. 26. *Symmachus* that famous interpreter of the Old *Testament*, was a strong defender of this heresie, and [d] from him in after times they were named *Symmachiani*. The *Iewes* had them in as great hatred, as the *Samaritanes*, whereupon [e] three times euery day, at *morning*, *noontide*, and *euening*, they closed their prayers with a solemne execration, *Maledic Domine Nazoræis*. Lastly, another sort of *Nazarites* there were, so termed from נצר, *Nasar*, signifying to *abolish*, or *cut off*; [f] because they did *abolish* and *cut off* the fiue bookes of *Moses*, reiecting them as not *Canonicall*.

[c] *Franciſc. Iun. parall lib. 1. 8.*

[d] *Augustin. lib. 19. contra Faustum Manichæum, c. 4.*

[e] *Epiphan. lib. 1. Tom. 2. hæres. 29.*

[f] *Epiphan lib. 1. Tom. 1. hær. 18.*

CHAP. IX.

Of the Assideans.

IT is much controuersed, whether the *Assideans* were *Pharises* or *Essenes*, or what they were? Were I worthy to deliuer my opinion, or, as the *Hebrewes* prouerbe is, to thrust in my head amongst the heads of those wise men: I conceiue of the *Assideans* thus. Before their captiuity in *Babylon*, wee shall finde the word חסידים *Chasidim*

dim, (translated *Assidei*, *Assideans*,) to signifie the same as צדיקים. *Tsadikim*, *Iust*, or *good men*: both were vsed promiscuously, the one for the other, and both stood in equall opposition to the רשעים, *Reschagnim*, that is, *vngodly*, or *wicked men*. At this time the whole body of the *Iewes* were distinguisht into two sorts, *Chasidim*, and *Reschagnim*: *Good* and *Bad*.

After their captiuity, the *Chasidim* beganne to bee distinguished from the *Tsadikim*. [a] The *Tsadikim* gaue themselues to the study of the Scripture. The *Chasidim* studied how to *adde vnto the Scripture*. [b] Secondly, the *Tsadikim* would conforme to whatsoeuer the Law required: The *Chasidim* would bee *holy aboue the Law*. Thus to the repairing of the Temple, the maintenance of sacrifices, the releese of the poore, &c. they would voluntarily adde ouer and aboue; to that which the Law required of them. Whence it is noted, that those were *Chasidim*, who would say, *What is mine, is thine, and what is thine, is thine owne*; those *Reschagnim*, which would say, *What is thine is mine*; and *what is mine is mine owne*; and it is probable, that that middle sort mentioned in the same place, who would say, *what is mine is mine*, *what is thine is thine owne*; were the very *Tsadikim*.

[a] D. Kimchi Psal. 103.17.

[b] Pirke Aboth, c. 5.

At this time the body of the *Iewes* were distinguished into three sorts, in respect of holinesse. First, *Reschagnim*, רשעים, *Wicked*, and *vngodly men*. Secondly, *Tsadikim*, צדיקים, *Iust*, and *righteous men*. Thirdly, *Chasidim*, who are sometimes translated חסידים, *Holy men*, and that for the most part:

part; [c] but sometimes also ἀγαθοί, *Good men*: These of all others were best reputed, and beloued of the ple. The Apostle shewing the great loue of *Christ*, dying for vs, amplifieth it by allusion vnto this distinction of the people: *Christ* dyed for the *vngodly*. Scarcely for a *righteous man* will one die, yet peraduenture, for a *good man* some would euen dare to die, *Rom.* 5. *verses* 6, 7. The gradation standeth thus: Some peraduenture would die for one of the *Chasidim*, a *good man*: Scarcely any for one of *Tsadikim*, a *iust*, or *righteous man*: For the *Reschagnim*, or *vngodly*, none would die; yet *Christ* died for vs *vngodly*, being sinners, and his enemies.

[c] *Assidai de quibus agitur.* 1 *Macab.* 7. 13. *vocantur à Iosepho, lib.* 12. *c.* 16. ἀγαθοὶ καὶ φιλόθεοι τῶν Ἰουδαίων.

Now as long as these workes of supererogation remained arbitrary, and indifferent, not required is necessary, though preferred before the simple obedience to the Law: so long the heat of contention was not great enough to breed sects and heresies: But when once the precepts and rules of supererogation were digested into *Canons*, and vrged with an opinion of necessity; Then from the *Chasidim* issued the brood of *Pharises*; [d] and also from them (as it is probably thought) the heresie of the *Essens*, both obtruding vnwritten traditions vpon the people, as simply necessary, and as a more perfect rule of sanctity than the Scripture: At this time the *Tsadikim* in heat of opposition reiected not onely traditions, but all Scripture, except onely the fiue bookes of *Moses*; for which reason they were called *Karaim* [e]. Some are of opinion they reiected onely *traditions*, and embraced all the bookes of Scripture: Which opinion

[d] *Ioseph. Scaliger. Tribaref. cap.* 22.

[e] *Ioseph. Scalig. Ibid.*

nion ſoeuer wee follow, they had their name קראים, *Karaim*, *Textuales*, *Scripturarii*, (i.) *Textmen*, or *Scripture readers*, becauſe they adhered to *Scripture* alone, withſtanding and gainesaying *traditions*, with all their might. And if we follow the latter, then all this while the *Karaim* were farre from hereſie: but in proceſſe of time, when from *Sadok*, and *Baithus*, theſe *Karaim* learned to deny all future rewards for good workes, or punishment for euill, or reſurrection from the dead; now the *Karaim* became compleat *Sadduces*, and perfect *Heretiques*, taking their denomination from their firſt author, *Sadok*. The time of each hereſies firſt beginning, ſhall be more exactly declared in their ſeuerall Chapters.

Chap. X.

Of the Phariſes.

THere are [a] three opinions concerning the *Etymologie* of the name *Phariſe*. The firſt, are thoſe which deriue it from פרש *Paraſh*, *Expandere*, *Explicare*; either from the *enlarging* and laying open their phylacteries, or from their *open performance* of good workes in publike view of the people, as being ambitious of mans praiſe. Secondly, from פרש *Paraſch*, *Exponere*, *Explanare*; becauſe they were of chiefe repute, and counted the profoundeſt *Doctors* for the *expoſition* of the Law, ſo that they were termed [b] *Peruſchim*, *quia Poreſchim*; *Phariſes*, becauſe they were *expounders*

[a] *Quartam etymologiam (cuius fundus & auctor putatur Hieronymus Præfat. in Amos) teſtatur Scriptura Hebraica, ſi enim Phariſeus diceretur à verbo* פרץ *Diuidere, ſcriberentur Phariſæi* מפרצים *non* מפרשים

[b] *Sanhedrin, c. 11.*

pounders of the Law. Thirdly, others deriue the name from the ſame verbe, but in the coniugation *Piel*, where it ſignifieth *Diuidere, ſeparare*, to *ſeparate*. [c] In this acception, by the *Greekes* they were termed ἀφορισμένοι, we may *Engliſh* them *Separatiſts*. Their *ſeparation* is conſiderable, partly in the particulars *vnto which*; partly in thoſe *from which* they *Separated*. [c] Suidas.

Firſt, They *Separated themſelues to the ſtudie of the Law*, in which reſpect they might bee called, ἀφορισμένοι εἰς τὸν νόμον, *Separated vnto the Law*. In alluſion vnto this, the *Apoſtle* is [d] thought to haue ſtiled himſelfe, *Rom.* 1. 11. ἀφορισμένον εἰς εὐαγγέλιον, *Separated vnto the Goſpell*: when hee was called from being a *Phariſe*, to bee a *Preacher of the Goſpell*: and now not *ſeparated to the Law*, but to the *Goſpell*. [d] Druſius de trib. Iſſach. lib. 2. c. 2.

Secondly, They *ſeparated* themſelues, or at leaſt pretended a [e] *ſeparation to an extraordinary ſanctity of life aboue other men*. God I thanke thee that I am *not as other men* are, extortioners, vniuſt, adulterers, &c. *Luk.* 18. 11. [e] Suidas.

The particulars *from which they ſeparated themſelues*, were theſe:

Firſt, *From commerce with other people*, as afterward will appeare in their traditions, whence they called the common people by reaſon of their ignorance, עם הארץ *populum terræ*, the *people of the earth*. In the Goſpell of Saint *Iohn*, 7. 49. they are called ὄχλος: *This people* who knoweth not the Law are curſed.

Secondly, *From the* [f] *apparell and habit of other men*: for they vſed peculiar kindes of habits, where- [f] R. Dauid. Sephen. 1. 8.

by they would bee diſtinguiſhed from the vulgar. Hence proceeded that common ſpeech, *Veſtes populi terræ, conculcatio ſunt Phariſæorum.*

g Thirdly, *From the* g *cuſtomes and manners of the world.*

This hereſie of the *Phariſes* ſeemeth to haue had its firſt beginning in *Antigonus Sochæus*. He being a *Phariſe* ſucceeded *Simon the Iuſt*, who was coetanean with *Alexander* the Great: hee liued three hundred yeares before the birth of *Chriſt*.

h *Chryſ. Matth. 15.* The *Phariſes* were h not tied to any particular Tribe or Family, but indifferently they might bee of any. Saint *Paul* was a *Beniamite*; i *Hyrcanus* was a *Leuite*.

i *Flauius Ioſeph. lib 13. cap. 18.*

Each ſect had his *Dogmata*, his proper *Aphoriſmes*, *Conſtitutions*, or *Canons*: ſo the *Phariſes* had theirs. My purpoſe is, both concerning theſe and the other ſects, to note onely thoſe *Canons*, or *Aphoriſmes*, wherein chiefly they were hereticall, and one differing from the other.

k *Ioſeph. lib. 13. c. 9.* Firſt, the *Phariſes* k aſcribed *ſome things* to *Fate* or *Deſtinie*, and *ſome things* to mans *Free-will*.

Secondly, They confeſſed that there were *Angels* and *Spirits*, *Acts* 23. 8.

l *Ioſeph. de bello lib. 2. cap. 12.* Thirdly, Concerning the reſurrection of the dead, they acknowledged it, and l taught that the ſoules of euill men deceaſed, preſently departed into euerlaſting puniſhment; but the ſoules, they ſay, of good men, paſſed by a kinde of Pythagorean μετεμψύχωσις into other good mens bodies. Hence

m *Seuer. Triberef. lib. 2. dep. 3. 11. Druſ. in proter.* it is m thought, that the different opinions concerning our *Sauiour* did ariſe; Some ſaying that hee

hee was *Iohn Baptiſt*, others *Elias*, others *Ieremias*, *Matth.* 16.14. As if *Chriſt* his body had beene animated by the ſoule either of *Iohn*, *Elias*, or *Ieremias*.

Fourthly, they did ſtiffely maintaine the traditions of their *Elders*. For the better vnderſtanding what their traditions were, wee muſt know that the *Iewes* ſay the Law was [a] *twofold*, one committed to writing, which they called תורה שבכתב *Thorah ſchebichtah*, *The written Law*; the other deliuered by tradition, termed by them, תורה בעל פה *Thorah begnal pe*. They ſay both were deliuered by *God* vnto *Moſes* vpon Mount *Sinai*, the latter as an expoſition of the former, which *Moſes* afterward deliuered by mouth to *Ioſhua*, *Ioſhua to the Elders*, *the Elders to the Prophets*, *the Prophets to thoſe of the great Synagogue*, from whom ſucceſſiuely it deſcended to after ages. Theſe traditions were one of the chiefe controuerſies betweene the *Phariſes* and the *Sadduces*. [b] *The Phariſes ſaid, Let vs maintaine the Law which our forefathers haue deliuered into our hands, expounded by the mouth of the wiſe men, who expounded it by tradition. And loe, the Sadduces ſaid, Let vs not beleeue or hearken to any tradition or expoſition, but to the Law of Moſes alone.* The traditions which they chiefly vrged were theſe.

[a] *Moſes Kotſenſ. In præf. lib. præcept.*

[b] *Gerundes c. 19.*

1. *They would not eat vntill they waſhed their hands.* Why doe thy diſciples tranſgreſſe the tradition of the *Elders*? for they waſh not their hands when they eat bread, *Matth.* 15.2. This waſhing is ſaid to haue beene done πυγμῇ, *Marke* 7.3. that is, *often*, as ſome tranſlate the word, taking πυγμῇ

in this place, to ſignifie the ſame as πυκνὰ in *Homer*, *frequenter*. Others tranſlate the word *accuratè*, *diligenter*, intimating the great care and diligence they vſed in waſhing: with this the [p] *Syriacke* text agreeth. [q] Others thinke that there is in that phraſe, alluſion vnto that rite or manner of waſhing in vſe among the *Iewes*, termed by them נטילת ידים *Netilath iadaim*, the *lifting vp of their hands*. The *Greeke* word πυγμὴ, is thought to expreſſe this rite, becauſe in this kinde of waſhing, *They vſed to ioyne the tops of the fingers of each hand together with the thumbe*, ſo that each hand did after a ſort reſemble πρὸ πυγμῆς, i. *a fiſt*. This ceremony was thus performed: Firſt, they waſhed their hands cleane. Secondly, they compoſed them into the fore-mentioned forme. Thirdly, they lifted them vp, ſo that the water ranne downe to the very elbowes. Laſtly, they let downe their hands againe, ſo that the water ranne from off their hands vpon the earth. [r] And that there might be ſtore of water running vp and downe, they powred freſh water on them when they lifted vp their hands, and powred water twice vpon them when they hanged them downe. Vnto this kinde of waſhing *Theophylact* ſeemeth to haue reference, when hee ſaith, that the *Phariſes* did [s] *cubitaliter lauare*, *waſh vp to their elbowes*. Laſtly, others [t] interpret πυγμὴ, to be the fiſt, or hand cloſed, and the manner of waſhing hereby denoted to bee *by rubbing one hand cloſed in the palme or hollow of the other*. All imply a diligent and accurate care in waſhing: the ceremonious waſhing by lifting vp the hands, and hanging them downe, beſt expreſſeth the ſuperſtition,

[p] בטילאית 2. פֵּ֣ מרוּבּ֑ת. *Luk.* 1. 39.
[q] *Ioſeph. Scaliger. Tribereſ.* 7.
[r] *Munſter. in Deut.* 8.
[s] *Theophylact. in Marc.* 7. 3.
[t] *Beza in maiorib. ſuis annotationibus, Marc.* 7 3.

perſtition, which onely was aimed at in the reproofe, though all theſe ſorts of waſhing, to the *Phariſes* were ſuperſtitious, becauſe they made it not a matter of outward *decency* and *ciuilitie*, but of *religion* to eat with waſht or vnwaſht hands, vrging ſuch a neceſſity hereof [a], that in caſe a man may come to ſome water, but not enough both to waſh and to drinke, he ſhould rather chuſe to waſh than to drinke, though hee die with thirſt. And it was deemed amongſt them, as great a ſinne to eat with vnwaſht hands, as to commit fornication. This tradition of waſhing hands, though it were chiefly vrged by the *Phariſes*, yet all the *Iewes* maintained it, as appeareth by the places quoted.

[a] *Druſius præterit. Matth. 15. in addend. & Buxtorf. ſynag. Iudaic. ca. 6. p. 193. ex Talmud.*

Wee may obſerue three ſorts of waſhing of hands in vſe among the *Iewes*. 1. *Phariſaicall* and *ſuperſtitious*, this was reproued. 2. *Ordinary* for outward *decencie*, this was allowed. The third *in token of innocencie*, this was commanded the *Elders* of the neighbour Cities in caſe of murder, *Deut.* 21.6. It was practiſed by *Pilate*, *Mat.* 27.24. and alluded vnto by *Dauid*, I will *waſh my hands in innocencie*, ſo will I compaſſe thine altar, *Pſal.* 26.6.

2. *When they came from the market they waſht*, *Marc.* 7.4. The reaſon thereof was, becauſe they there hauing to doe with diuers ſorts of people, vnawares they might be polluted. The word vſed by Saint *Marke* is, βαπτίσωνται, *they baptiſed themſelues*: implieth the *waſhing of their whole bodie*. And it ſeemeth that thoſe *Phariſes* who were more zealous than others, did thus *waſh* themſelues alwayes before dinner. The *Phariſe* maruelled that *Chriſt* had not firſt waſhed himſelfe before dinner,

dinner, *Luke* 11.38. Vnto this kinde of ſuperſtition S. *Peter* is thought to haue inclined, when he ſaid, *Lord not my feet onely, but alſo the hands and the head, Iohn* 13. 9. Thus finding his modeſty diſliked, when he refuſed to haue his feet waſht by his *Lord* and *Maſter*; now he leapeth into the other extreme, as if he had ſaid, not *my feet onely, but my whole body*. Hence proceeded that ſect of the *Hemerobaptiſtæ*, i. *Daily baptiſts*, ſo called [x] becauſe they did *euery day thus waſh themſelues*.

[x] *Epi. b. lib. 1. Tom. 1. cap 17.*

3. *They waſhed their cups, and pots, and braſen veſſels, and tables, Mark.* 7.4.

4. *They held it vnlawfull to eat with ſinners, Matt.* 9.11. yea they iudged it a kinde of pollution to be touched by them, *Luk.* 7. 39. If this man were a *Prophet*, he would ſurely haue knowne who, and what manner of woman this is which toucheth him, for ſhe is a ſinner. Of ſuch a people the *Prophet* ſpeaketh: They ſaid, Stand a part, come not neare to me, or (as the words may bee rendred) [y] *Touch me not*, for I am holier than thou, *Eſay* 65.5. [z] The like practice was in vſe among the *Samaritans*, who if they met any ſtranger, they cryed out, μὴ ἅψῃ μου, *Ne attingas, Touch not*.

[y] אל תגשני *Ne attingas me.* [z] *Scalig. de emend. temp. lib. 7. Idem refert Epiphan. lib. 1. Tom. 1. cap. 13.*

5. *They faſted twiſe in the weeke, Luke* 18. 12. [b] Namely, *Mundayes*, and *Thurſdayes*, [c] becauſe *Moſes* (as they ſay) went vp into mount *Sinai* on a *Thurſday*, and came downe on a *Munday*.

[b] *Theophylact. in Luk. 18. 12. Id. Epiphan. hæreſ. 16.* [c] *Druſius in Luc. 18. 12.*

6. *They made broad their Phylacteries, and inlarged the borders of their garments, Matth.* 23. 5. Here three things are worthy our conſideration. Firſt, What theſe *Phylacteries* were. Secondly, What was written in them. Thirdly, Whence they

they were ſo called. [d] *Epiphanius* interpreteth theſe *Phylacteries* to be πορφύρα εἶδος τι πρόσωπον, *purple ſtuds or flouriſhes wouen in their garments*: as if *Epiphanius* had conceiued the *Phariſes* garment to bee like that which the *Roman Senators* were wont to weare, termed by reaſon of thoſe *broad ſtuds* and *worſes* wouen in it, *Laticlauium*: but ſeeing that theſe *Phylacteries* were additaments and ornaments, whereof there were [e] two ſorts, the one tied to their *foreheads*, the other to their *left hands*; hence it followeth, that by theſe *Phylacteries* could not bee meant whole garments, or any embоſſements, or flouriſhings wouen in the cloth. Generally they are thought to bee ſchedules or ſcrolles of parchment, whereof as I noted there were two ſorts, *Phylacteries for the head*, or *frontlets*, reaching from one eare to the other, and tied behinde with a thong; and *Phylacteries for the hand faſtened vpon the left arme aboue the elbow on the inſide, that it might bee neere the heart*. Both theſe ſorts were worne, not by the *Phariſes* onely, [f] but by the *Sadduces* alſo, but with this difference; The *Phariſes* haply for greater oſtentation wore their hand *Phylacteries aboue their elbowes*: the *Sadduces on the palmes of their hands*. [g] Nay all the *Iews* wore them, our *Sauiour Chriſt* not excepted. The command was generall, *Exod.* 13.9. It ſhall bee for a ſigne vnto thee vpon thine hand, and for a memoriall betweene thine eyes. So that it is not the wearing of them which our *Sauiour* condemned, but the making of them broad, whereby they would appeare more holy than others.

In theſe parchments they wrote [h] onely the *Decalogue*

[d] *Epiph. lib. 1. Tom. 1 cap 15.*

[e] *Moſes Kotſenſis prac. affir. 22.*

[f] *Maimon. in Teſphillim c. 4. § 3.*

[g] *Scaliger. Tribu. riſ p. 258.*

[h] *Cryſoſt. & Hier. in Matth. 23.*

calogue or ten Commandements, in the opinion of *Chryſoſtome* and *Hierome*: but generally and vpon better grounds it is thought they wrote theſe foure ſections of the Law.

1. The firſt beganne, Sanctifie vnto me all the firſt-borne, *&c. Exod.* 13.2. to the end of the tenth *verſe.*
2. The ſecond beganne, And it ſhall bee when the Lord ſhall bring thee, *&c. Exod.* 13. 11. to the end of the 16. *verſe.*
3. The third beganne, Heare O Iſrael, *&c. Deut.* 6.4. and continued to the end of the ninth *verſe.*
4. The fourth beganne, And it ſhall come to paſſe; if you ſhall hearken diligently, *&c. Deut.* 11.13. to the end of the one and twentieth *verſe.*

Theſe foure Sections written in Scrolles of parchment, and folded vp, they faſtened to their *foreheads* and their *left armes*: thoſe that were for the *forehead*, they wrote in foure diſtinct peeces of parchment [i] eſpecially, and if they wrote it in one peece, the length of euery Section ended in one columne, and they did put them into one skinne, in which there was the proportion of foure houſen or receptacles, and not into foure skinnes: euery receptacle was diſtinct by it ſelfe; and thoſe that were for the hand, were written in one peece of parchment principally, the foure ſections in foure columnes, but if they wrote them in foure peeces, it was at length, and they put them in a skinne that had but one receptacle. [k] In time of perſecution when they could not openly weare theſe *Phylacteries*,

[i] *Moſes Kotſenſ. fol. 104. col. 3.*

[k] *Maimon. de præcept. affirm.*

lacteries, then did they tie about their hands a red threed, to put them in minde of the bloud of the Couenant and the Law.

Touching their name, *Moſes* calleth them טטפות *Totaphoth*, which word hath almoſt as many *Etymologies*, as interpreters; the moſt probable in my opinion, is that they ſhould be ſo called *per antiphraſin*, from טפף. *Incedere*, *to goe*, or *moue*, becauſe they were *immoueable*: Hence the Septuagint tranſlates them, ἀκίνητα, *Immoueable ornaments*. The Rabbines call them *Tephillim*, *Prayer-ornaments*: [1] Others call them *Pittacia*, and *Pittaciola*, from πιττάκιον, which ſignifieth a peece or parcell of cloth. In the *Goſpell* they are called φυλακτήρια, *Phylacteries*, from φυλάσσω, to *conſerue* or *keepe*. Firſt, becauſe by the vſe of them, the *Law* was *kept* and *preſerued* in memorie. Secondly, becauſe the *Phariſes* ſuperſtitiouſly conceited, that by them, as by Amulets, Spells, and Charmes, hanged about their necks, themſelues might be *preſerued from dangers*. The word φυλακτήριον, ſignifieth a Spell, and *Hierome* teſtifieth, that the *Phariſes* had ſuch a conceit of theſe ornaments: In which place he compareth the *Phariſes* with certaine ſuperſtitious women of his time, who carried vp and downe vpon the like ground, *parvula euangelia, & crucis ligna*, Short ſentences out of the *Goſpell*, and reliques of the Croſſe. The ſame ſuperſtition hath prevailed with many of latter times, who for the ſame purpoſe hang the beginning of [m] Saint *Iohns Goſpell* about their neckes. And in the yeare of our *Lord* 692. certaine Sorcerers were condemned for the like kinde of *Ma-*

[1] *Hieronym. in Matth. 23.*

[m] *Scaliger. Triberuſ. lib. 7.*

gicke, by the name of [n] φυλακτηρια, that is, *Phylacterians.*

[n] Concil. quinti Sexti, Canon. 61.

Thus much of their *Phylacteries*; in the ſame verſe is reproued the *inlarging of their borders.* [o] That which we reade borders, in the *Goſpell*, is called, *Numb.* 15.38. ציצית *Tſitſith*, *Fringes:* and גדילים *Gedilim*, *Deut.* 22.12. which word wee likewiſe tranſlate in that place, *Fringes.* They were in the forequoted places commanded, and our *Sauiour Chriſt* himſelfe did weare them, *Luk.* 8.44. The latter Hebrew word ſignifieth a *large fringe*, which aggrauateth the ſuperſtition of the *Phariſes*, in making their fringes *larger*, when the Law had allowed them *large.* This literall expoſition I take to be moſt agreeable with the *Text*, though to *enlarge*, in [p] *Greeke* and *Latine*, ſometimes, ſignifieth to *boaſt*, *vaunt*, or *bragge of a thing*, and in this ſenſe it may very well fit a *Phariſe.* The reaſon of this command was, to put them in minde of the commandements, *Numb.* 15. And for the furtherance of this dutie, [q] they vſed ſharpe thornes in their fringes, that by the often pricking of the thornes, whether they walked or ſate ſtill, they might bee the more mindefull of the Commandements.

[o] Vide D. Kimchi Radic.

[p] Τὸ μεγαλαυχεῖν apud Euripidem in Bacchis, valet, Magnifice iactare, Efferre Magnificare apud Varronem & Plinium eadem ſignificatione vſurpatur. Theodor. Beza in Mat. 23.

[q] Hieron. in Mat. 23.

There were [r] ſeuen ſorts of *Phariſes.* 1. *Phariſæus Sichemita*, He turned *Phariſe* for gaine, as the *Sichemites* ſuffered themſelues to be circumciſed.

[r] Talmud. tract. Sota cap. 3.

2. *Phariſæus truncatus*, ſo called as if he had no feet, becauſe he would ſcarce lift them from the ground when he walked, to cauſe the greater opinion of his meditation.

3. *Phariſæus impingens.* He would ſhut his eyes when

when he walked abroad, to auoid the ſight of women, in ſo much that he often daſht his head againſt the walls that the bloud guſht out.

4. *Phariſæus quid debeo facere, & faciam illud.* He was wont to ſay, *what ought I doe? and I will doe it.* Of this ſort ſeemeth the man in the *Goſpell* to haue beene, who came vnto *Chriſt*, ſaying, *Good Maſter what ſhall I doe? &c.* and at laſt replied, *All theſe haue I done from my youth vpward, Luk.* 18.

5. *Phariſæus mortarius.* So called becauſe he wore a hat in manner of a deepe *Mortar*, ſuch as they vſe to bray ſpice in, in ſo much that he could not looke vpward, nor of either ſide; onely downeward on the ground, and forward or forth-right.

6. *Phariſæus ex amore.* Such a one as obeyed the law for the loue of vertue.

7. *Phariſæus ex timore.* Such a one obeyed the law for feare of puniſhment. Hee that conformed for feare, had reſpect chiefly to the *negatiue Commandements*; but he that conformed for loue, eſpecially reſpected the *affirmatiue*.

Chap. XI.

Of the Sadduces.

TO omit other *Etymologies* of the name, there are two onely which haue ſhew of probability. [r] Some deriue it from *Sedek*, *Iuſticia*, as if they had beene *Iuſticiaries*, ſuch as would iuſtifie themſelues before *Gods* tribunall. [s] There are that deriue it and that vpon more warrantable

[r] *Epiphan. lib. 1. cap. 14.*

[s] *Sunt alij qui à Sadoc. &c. Theophyl.*

rantable grounds, from *Sadoc*, the first Author of the heresie; so that the *Sadducees* were so called from *Sadoc*, as the *Arrians* from *Arrius*, the *Pelagians* from *Pelagius*, the *Donatists* from *Donatus*, &c.

This *Sadoc* liued vnder *Antigonus Socheus*, who succeeded *Simeon the Iust*. He was *Antigonus* his Scholler, and by him brought vp in the doctrine of the *Pharises*, but afterward fell from him, and broacht the heresie of the *Sadducees*, which heresie because it had much affinity with that which the Heretique *Dositheus* taught, hence are the *Sadducees* said to [a] be a branch or skirt of the *Dositheans*, though in truth *Dositheus* liued not till [z] after *Christ*; and although these two heresies did agree in many things, yet in a maine point they differed. [y] *Dositheus* beleeued the resurrection, the *Sadducees* denied it, and by consequence the *Dositheans* beleeued all other points necessarily flowing from this.

[a] Epiph. heref. 14. It. Tertullian. de præscript. cap. 45.
[z] Origen. contra Celsum, lib. 2.
[y] Epiph. heref. 13.

The occasion of this heresie was this. When [z] *Antigonus* taught that we must not serue God as seruants serue their masters for hope of reward, his schollers *Sadoc* and *Baithus* vnderstood him, as if he had vtterly denied all future rewards or recompence attending a godly life, and thence framed their heresie, denying the *resurrection*, *the world to come*, *Angels*, *spirits*, &c.

[z] Aboth. cap. 2.

Their *Dogmata*, *Canons*, or *Constitutions* were, 1. *They reiected* [a] *the Prophets, and all other Scripture, saue onely the fiue bookes of Moses.* Therefore our *Sauiour* when hee would confute their errour, concerning the resurrection of the dead, hee proues it not out of the *Prophets*, but out of *Exod.* 3.6.

[a] Ioseph. Antiq. lib. 13. cap. 18.

3.6. *I am the God of Abraham, the God of Isaack, and the God of Iacob, Matth.22.32.*

2. *They reiected* [b] *all traditions.* Whence as they were called מינין *Minai*, i. *Heretiques*, in respect of the generall opposition betweene them and *Phariſes*. First, becauſe the *Phariſes* were in repute the onely *Catholikes*; Secondly, becauſe in their doctrine, the *Phariſes* were much nearer the truth than the *Sadduces*: So in respect of this particular opposition, in the ones reiecting, the others vrging of traditions, the *Sadduces* were [c] termed קראים *Karaim*, *Biblers*, or *Scripturiſts*.

[b] *Elias in* שורש

[c] *Druſius de trib. Iſſa. l.3.c.3.p.130.*

3. *They ſaid there was no reward for good workes, nor puniſhment for ill in the world to come.* Hence Saint *Paul* perceiuing that in the *Councell* the one part were *Sadduces*, the other *Phariſes*, hee cryed out, *Of the hope*, i. *of the reward expected, and of the reſurrection of the dead, I am called in queſtion, Acts* 23.6.

4. *They denied the reſurrection of the bodie, Acts* 23.8. *Matth.*22.23. *Luk.*20.27.

5. *They ſaid the ſoules of men are* [d] *annihilated at their death.*

[d] *Ioſeph. de bello lib.2.cap.12.*

6. *They denied Angels and ſpirits, Act.*23.8.

7. *They wholly denyed* [e] *Fate or Deſtiny, and aſcribed all to mans Free-will.*

[e] *Ioſeph. l.13.c.9.*

The *Samaritanes* and the *Sadduces* are of neare affinity: but yet they differ. First, [f] The *Samaritanes* ſacrificed at the Temple built vpon Mount *Garizim*; But the *Sadduces* ſacrificed at *Ieruſalem*. Secondly, The *Samaritanes* allowed no commerce with the *Iewes*, *Iohn* 4.9. yea the mutuall hatred betweene the *Samaritanes* and the *Iewes* was ſo

[f] *Epiphan. Tom.1. lib.1 hæreſ.14.*

great, that it was not lawfull for the *Iewes* to eat or drinke with the *Samaritanes*. How is it that thou being a *Iew*, askest drinke of me which am a woman of *Samaria*? *Iohn* 4.9. Nay, whereas liberty was granted vnto all Nations of the earth to become *Proselytes* to the *Iewes*, so did the Iewes hate the *Samaritanes*, that they would not suffer a *Samaritan* to be a *Proselyte*. This appeareth by that solemne [g] *Excommunication*, termed *Excommunicatio in secreto nominis tetragrammati*: the forme thereof, as it was applyed (say they) by *Ezra* and *Nehemiah* vnto the *Samaritanes* was thus. *They assembled the whole Congregation into the Temple of the Lord, and they brought* 300. *Priests, and* 300. *trumpets, and* 300. *books of the Law, and as many boyes, and they sounded their trumpets, and the Leuites singing cursed the Samaritanes by all the sorts of Excommunication, in the mysterie of the name Iehouah, and in the Decalogue, and with the curse of the superiour house of iudgement, and likewise with the curse of the inferiour house of iudgement, that no Israelite should eat the bread of a Samaritan, (whence they say, hee which eateth of a Samaritans bread, is as he who eateth Swines flesh) and let no Samaritan be a Proselyte in Israel, and that they should haue no part in the resurrection of the dead.* [h] *R. Gersom* forbade the breaking open of the Letters, vnder the penaltie of this *Excommunication*. This proueth what formerly was said, namely, that betweene the *Iewes* and the *Samaritanes* there was no commerce; but the *Sadduces* familiarly conuersed with the other *Iewes*, euen with the *Pharises* themselues, yea both sate together in the same *Councell*, *Acts* 23.6. Now the

[g] *Drusius de trib. sect. lib. 3. cap. 12. ex Ilmedenu.*

[h] *Buxtorf. Epist. Hebr. p. 59.*

Samaritanes

Samaritanes and *Sadduces* agree. 1. *In the reiection of all tradition.* 2. *In the reiection of all other Scriptures ſaue onely the fiue bookes of Moſes.* 3. *In the deniall of the reſurrection and the conſequencies, as future puniſhments, and rewards according to mens workes:* but the *Samaritanes* held that there were *Angels*, which the *Sadduces* denied. For the proofe of theſe agreements and diſagreements betweene them, reade *Epiphanius hæreſ. 9. & 14.*

Touching the *Samaritanes*, there are three degrees or alteration in their religion obſerueable. Firſt, the ſtrange Nations tranſplanted by *Shalmaneſar* into *Samaria*, when *Iſrael* was carried away captiue into *Aſſyria*, worſhipped euery one the *God of their owne Countries*, 2 *King.* 17. Secondly, when they ſaw they were deuoured by Lions, becauſe they feared not the *Lord*, the *King* of *Aſſyria* ſent one of the *Prieſts* which was taken captiue, to inſtruct them in the true worſhip of *God*; which manner of worſhip though they receiued, yet they would not lay aſide their former Idolatry, but made a mixture of religions, worſhipping the liuing *God*, and their owne dumbe *Idols*. Thirdly, *Manaſſes* brother to *Iaddua* the High *Prieſt* in *Ieruſalem*, being married to *Sanballet* the Horonites daughter, by reaſon of *Nehemiahs* charge of putting away their ſtrange wiues, being driuen to that exigent, that hee muſt either put away his wife, or forgoe the hope of the *Prieſt-hood*; by *Sanballets* meanes hee obtained leaue from *Alexander* the Great, to build a *Temple* [1] vpon Mount *Garizim*, one of the higheſt mountaines in *Samaria*, whither many other apoſtated *Iewes* fled, together with

[1] *Ioſeph. Antiq. lib. 11. cap. 8.*

with *Manasses* being made their High-*Priest*; and now the Sect of *Samaritanes* (betweene whom and the *Iewes* there was such hatred) beganne, now all those fore-mentioned errours were maintained: And of this Hill it is, that the woman of *Samaria* speaketh, *Iohn* 4. 20. Our fathers worshipped in this *Mountaine*, &c.

By comparing the *Dogmata* of the *Pharises*, with these of the *Sadduces*, we may perceiue a manifest opposition betweene them, yet both these ioyned against *Christ*, *Mark.* 12.

This heresie though it were the grossest amongst the *Iewes*, yet was it embraced and maintained by some of the high *Priests* themselues: [k] *Iohannes Hyrcanus* was a *Sadducee*, so were his sonnes *Aristobulus* and *Alexander*, [l] and likewise *Ananus* the younger, so that *Moses* chaire was not amongst them exempted from errour, no nor heresie.

[k] *Gerimides c. 29.*

[l] *Eusseb. hist. lib. 2. cap. 23. Ex Ioseph. Antiq. lib. 20. c. 8.*

CHAP. XII.

Of the Essenes.

THe *Etymologies* of the names *Essæi*, or *Esseni*, i. *Essenes*, are diuers; that which I preferre is from the *Syriak* אסא, *Asa*, signifying θεραπεύειν, to heale or cure diseases. [a] Hence are the men so often termed, θεραπευταὶ, and the women amongst them, θεραπευτρίδες, that is, *Physicians*. For though they gaue themselues chiefly to the study of the *Bible*, yet withall they studied *Physicke*.

[a] *Ioseph. de bello. li. 2. c. 12. p. 786.*

Of

Of these *Essenes* there were two sorts, some *Theorikes*, giuing themselues wholly to *speculation*, other *Practicks*, laborious and painefull in the daily exercise of those *handi-crafts* in which they were most skilfll. Of the latter *Philo* treateth in his booke intituled, *Quod omnis vir probus*: Of the former, in in the booke following, intituled, *De vita contemplatiua*.

Their *Dogmata*, their *ordinances*, or *constitutions*, did symbolize in many things with *Pythagoras* his; where they doe agree, therefore my purpose is first to name *Pythagoras* his; and then to proceed on with the *Essenes*. They follow thus.

The [b] *Pythagoreans professed a communion of goods: So the Essenes*, [c] *they had one common purse or stocke*, none richer, none poorer than other; out of this common treasury euery one supplyed his owne wants without leaue, and administred to the necessities of others: onely they might not releeue any of their kindred without leave from their ouerseers. They did not buy or sell among themselues, but each supplyed the others wants, by a kinde of commutatiue bartring: yea liberty was granted to take one from another what they wanted, without exchange. They performed offices of seruice mutually one to another, for mastership and seruice cannot stand with communion of goods: and seruants are commonly iniurious to the state of their Masters, according to that saying of *R. Gamaliel*, [d] *He that multiplieth seruants, multiplieth theeues*. When they trauelled, besides weapons for defence, they tooke nothing with them; for in whatsoeuer City or Village they came,

[b] *Aul. Gell. Lib. 1. c. 10. Ii. Laert. in Pythag.* Κοινὰ τὰ φίλων εἶναι.

[c] *Ioseph. l. 18. c. 2.*

[d] מרבה עבדים מרבה גנבים
Marbe gnabadim marbe genebim
Pirke Aboth c. 2.

came, they repaired to the fraternity of the *Essenes*, and were there entertained as members of the same. And if we doe attentiuely reade *Iosephus*, we may obserue that the *Essenes* of euery City ioyned themselues into one *common Fraternity* or *College*; euery College had two sorts of officers: First, *Treasurers*, who looked to the common stocke, prouided their diet, appointed each his taske, and other publike necessaries. Secondly, *Others who entertained their strangers.*

c Iustin. Lib. 20.
f Ioseph. de bello lib. 2. c. 12.

2. *The Pythagoreans shunned* c *pleasures.* f *So did the Essenes:* to this belongeth their auoiding of oyle, which if any touched vnawares, they wiped it off presently.

g Suidas, It. Ælian. de varia hist. l. 12. cap. 32.
h Ioseph de bello lib. 2. cap. 12.

3. *The Pythegoreans* g *garments were white:* h *So were the Essenes white also*, modest not costly: when once they put on a suit, they neuer changed till it was torne or worne out

i Laert. in vita Pythagoræ
k Philo Iudeus.

4. *The Pythagoreans forbade* i *oathes.* k *So did the Essenes*, they thought him a noted lyar who could not be beleeued without an oath.

l Suidas, It. Laertius.
m Ioseph. de bello lib. 2. cap. 12.

5. *The Pythagoreans had their* l *Elders in singular respect.* m *So had the Essenes:* the *body, or whole company of the Essenes*, were distinguisht, *in τάξεις τέσσαρες*, into *foure rankes or orders*, according to their Seniority, and if haply any of the superiour rankes, had touched any of the inferiour, hee thought himselfe polluted, as if he had touched an *Heathen.*

n Suidas.
o Philo de vita contemplativa.
p Laertius in vita Pythag.
q Ioseph. Antiq. lib. 18. cap. 2.

6. *The Pythagoreans dranke* n *water. So did the* o *Essenes onely water*, wholly abstaining from wine.

7. *The Pythagoreans vsed* p θυσίαν ἀψύχους, *Inanimate sacrifices: So did the* q *Essenes:* they sent *gifts* to

to the Temple, and did not ſacrifice, but preferred the vſe of their *holy water* before *ſacrifice*, for which reaſon the other *Iewes* forbade them all acceſſe unto the Temple.

8. *The Pythagoreans aſcribed* [r] *all things to Fate or Deſtinie. So did the* [s] *Eſſenes.* In this *Aphoriſme* all three Sects differed each from other. The *Phariſes* aſcribed ſome things to *Fate*, other things to *mans Free-will*. The *Eſſenes* aſcribed all to *Fate*, nothing to *mans Free-will*. The *Sadduces* wholly denied *Fate*, and aſcribed all things *to the Free-will of man*.

[r] Suidas.

[s] Ioſeph. Antiq. lib. 13. cap. 9.

9. *The Pythagoreans the* [t] *firſt fiue yeares were not permitted to ſpeake in the ſchoole*, but were initiated *per quinquennale ſilentium*, [u] and not vntill then ſuffered to come into the preſence of or ſight of *Pythagoras*. To this may be referred the *Eſſenes ſilence at Table* ſtraightly obſerued, ſo that *Decem ſimul ſedentibus, nemo loquitur inuitis nouem.* [x] *Druſius* renders it, that ten of them ſitting together, none of them ſpake without leaue obtained of the nine. When any did ſpeake, it was not their cuſtome to interrupt him with words, but by nods of the head, or beckonings, or holding their finger, or ſhaking their heads, and other ſuch like dumbe ſignes and geſtures, to ſignifie their doubtings, diſliking, or approuing the matter in hand. And to the time of ſilence amongſt the *Pythagoreans*, that it muſt bee for fiue yeares, may be referred the initiation of the *Eſſenes*, for amongſt them none were preſently admitted into their *ſocietie* with full liberty, but they vnderwent foure yeeres of triall and probation. The firſt yeare they receiued

[t] Quinquenne hoc ſilentium à Pythagora auditoribus ſuis indictum vocabant ἐχεμυθίαν, à cohibendo ſermone.

[u] Laertius in Pythagor.

[x] Druſius de trib. ſect. l. 4.

ued *Dolabellam*, [7] *Perizoma*, *& vestem albam*, a *spadle* with which they digged a conuenient place to ease nature, a *paire of breeches*, which they vsed in bathing or washing themselues; a *white garment*, which especially that sect affected. At this time they had their commons allowed them, but without, not in the common dining hall. The second yeare they admitted them to the *participation of holy waters*, and instructed them in the vse of them. Two yeares after they admitted them in *full manner*, making them of their *corporation*, after they had receiued an oath truly to obserue all the rules and ordinances of the *Essenes*. If any brake his oath, an hundred of them being assembled together expelled him, vpon which expulsion commonly followed death within a short time, for none, hauing once entred this order, might receiue almes or any meat from other; and themselues would feed such a one onely with distastefull herbs, which wasted his body and brought it very low; sometimes they would re-admit such a one being brought neare vnto death, but commonly they suffered him to die in that misery.

[7] Ioseph. de bello lib. 2. cap. 12.

[a] Philo item Ioseph.

10. *The Essenes* [a] *worshipped toward the Sunne rising.*

[a] Ioseph. de bell. l. 2. cap. 12.

11. *The Essenes bound themselues in their oath, to* [a] *preserue the names of Angels*: the phrase implyeth a kinde of worshipping of them.

[b] Ioseph. ibid.

12. *They were aboue all others strict in the obseruation of the* [b] *Sabbath day*; on it they would dresse no meat, kindle no fire, remoue no vessels out of their place, no nor ease nature. [c] Yea they obserued ἑβδομάδων ἑβδομάδας, *euery seuenth weeke a solemne*

[c] Philo de vita contempl.

lemne Pentecost, seuen Pentecosts euery yeare.

13. *They abstained from marriage*, not that they disliked marriage in it selfe, or intended an end or period to procreation, but partly in warinesse of womens intemperance, partly because they were swaded that no woman would continue faithfull to one man. This auoiding of marriage is not to bee vnderstood generally of all the *Essenes*, for they disagreed among themselues in this point. Some were of the opinion before noted: others married for propagation. *Nihilominus autem cum tanta ipsi moderatione conueniunt, vt per triennium explorent valitudinem fœminarum, & si constanti purgatione aparuerint idoneæ partui, ita eas in matrimonia asciscunt. Nemo tamen cum prægnante concumbit, vt ostendant quòd nuptias non voluptatis, sed liberorum causâ inierint.* Thus the latter sort preserued their sect by the procreation of children: The former sort preserued it by a kinde of adoption of other mens children, counting them as neare kinsmen, and tutoring them in the rules of their owne discipline, as *Iosephus* witnesseth. [d] *Plinie* addeth also, that many other of the *Iewes*, when they beganne to be stricke in yeares, voluntarily ioyned themselues vnto them, being moued thereunto, either because of the variable state and troubles of the world, or vpon consideration of their owne former licentious courses, as if the ywould by this meanes exercise a kinde of penance vpon themselues.

[d] *Plin. hist. lib. 5. cap. 17.*

Concerning the beginning of this Sect, from whom, or when it began, it is hard to determine. [e] Some make them as ancient as the *Rechabites*, and

[e] *Serarius Tribus tes. lib. 3. cap. 9.*

and the *Rechabites* to haue differed onely in the addition of some rules and ordinances from the *Kenites*, mentioned *Iudg.* 1.16. And thus by consequence the *Essenes* were as ancient as the *Israelites* departure out of *Ægypt*; for *Iethro*, *Moses* father in law, as appeareth by the text, was a *Kenite*: But neither of these seemeth probable. For the *Kenites* are not mentioned in Scripture as a *distinct Order* or *Sect of people*, but as a *distinct family*, *kindred*, or *nation*, *Numb.* 24.21. Secondly, the *Rechabites*, they neither did build houses, but dwelt in tents, neither did they deale in husbandrie, they sowed no seed, nor planted vineyards, nor had any, *Ierem.* 35.7. The *Essenes* on the contrary, they dwelt not in tents, but in houses; [f] and they employed themselues especially in husbandrie. One of the [g] *Hebrew Doctors* saith, that the *Essenes* were *Nazarites*; but that cannot bee, because the law inioyned the *Nazarites* when the time of the consecration was out, to present themselues at the doore of the *Tabernable* or *Temple Numb.* 6. Now the *Essenes* had no accesse to the *Temple*. When therefore, or from what Authour this Sect tooke its beginning, is vncertaine. The first that I finde mentioned by the name of an *Essene*, was one [h] *Iudas*, who liued in the time of *Aristobulus* the sonne of *Ioannes Hyrcanus*, before our *Saviours* birth about one hundred yeares: Howsoeuer the Sect was of greater antiquity; [i] for all three, *Pharises*, *Sadduces*, and *Essenes*, were in *Ionathans* time, the brother of *Iudas Maccabæus* who was fiftie yeares before *Aristobulus*. Certaine it is that this Sect continued vntill the dayes of our *Saviour*, and

f *Ioseph. antiq. lib.* 18 *c.* 2.

g *Ios Scaliger in Tribæres. c.* 23.

h *Ioseph. lib.* 13. *cap.* 19.

i *Ioseph. lib.* 13. *c.* 9.

and after; for *Philo* and *Ioſephus* ſpeake of them, as liuing in their time. What might be the reaſon then, that there is no mention of them in the *New Teſtament*? I anſwer: Firſt, the number of them ſeemeth not to haue beene great, in *Philo* and *Ioſephus* his time, [k] about foure thouſand, which being diſperſed in many Cities, made the faction weake, and haply in *Ieruſalem* when our *Sauiour* liued, they were either few or none. Secondly, if wee obſerue hiſtories, wee ſha'l finde them peaceable and quier, not oppoſing any, and therefore not ſo liable to reproofe as the *Phariſes* and *Sadducees* who oppoſed each other, and both ioyned againſt *Chriſt*. Thirdly, why might they not as well bee paſſed ouer in ſilence in the *New Teſtament*, (eſpecially containing themſelues quietly without contradiction of others) as the *Rechabites* in the *Old Teſtament*, of whom there is mention onely once, and that obliquely, although their Order continued about three hundred yeares, before this teſtimony was giuen of them by the *Prophet Ieremie*, for betweene *Iehu* (with whom *Ionadab* was coetanean) and *Zedekiah*, Chronologers obſerue the diſtance of ſo many yeares. Laſtly, though the names of *Eſſenes* be not found in Scripture, * yet we ſhall finde in Saint *Pauls* Epiſtles many things reproued, which were taught in the ſchoole of the *Eſſenes*. Of this nature was that aduice giuen vnto *Timothie*, 1 *Timoth.* 5. 23. *Drinke no longer water, but vſe a little wine.* Againe, 1 *Timoth.* 4. 3. *Forbidding to marrie, and commanding to abſtaine from meats, is a doctrine of Deuills:* but eſpecially, *Coloſ.* 2. in many paſſages the *Apoſtle* ſeemeth directly

[k] *Philo lib. Quod omnis probus. pag.* 673.

* *Vide Chemnic. exam. conc. Tridens. part. quart. p.* 120.

to

to point at them. Let no man condemne you in meat and drinke, *vers.* 16. Let no man beare rule ouer you, by humblenesse of minde and worshipping of *Angels*, *vers.* 18. διατί δογματίζεσθε; why are yee subiect to ordinances? *Vers.* 20. The *Apostle* useth the word δόγματα, which was applyed by the *Essenes* to denote their *Ordinances*, *Aphorismes*, or *Constitutions*. In the verse following hee giues an instance of some particulars. *Touch not*, *taste not*, *handle not*, *vers.* 21. Now the Iunior company of *Essenes* might not *touch* their *Seniors*. And in their diet, their taste was limited to bread, salt, water and hyssop. And these ordinances they undertooke, διὰ πίστιν σοφίας, saith *Philo*, for the *loue of wisdome*; but the Apostle concludeth, *vers.* 23. That these things had onely, λόγον σοφίας, a shew *of wisdome*. And whereas *Philo* termeth the religion of the *Essenes*, by the name of θρησκεία, which word signifieth *religious worship*, the *Apostle* termeth in this same verse, ἐθελοθρησκείαν, *Voluntary religion*, or *will-worship*: yea, where hee termeth their doctrine, πίστιν φιλοσοφίας, a kinde of *Philosophy* receiued from their forefathers by tradition, *Saint Paul* biddeth them beware of *Philosophy*, *vers.* 8.

We formerly obserued two sorts of *Essenes*; *Practicks*, and *Theoricks*, both agreed in their *Aphorismes*, or *Ordinances*, but in certaine circumstances they differed.

1. The *Practicks* dwelt in the Cities, The *Theoricks* shunned the Cities, and dwelt in gardens, and solitary Villages.

2. The *Practicks* spent the day in manuall crafts keeping of sheepe, looking to Bees, tilling of ground,

ground, &c. they were τεχνῖται, *Artificers*; The *Theoricks* spent the day in meditation, and prayers, whence they were by a kinde of excellency, by *Philo* termed, ἱκέται, *Supplicantes*.

3. The *Practicks* had euery day their dinner and supper allowed them; The *Theoricks* onely their supper.

4 The *Practicks* had for their commons, euery one his dish of Water-gruel, and bread; The *Theoricks* only bread and salt: if any were of a more delicate pallat than other, to him it was permitted to eat hyssop; their drinke for both, was common water.

Some are of opinion that these *Theoricks* were *Christian Monkes*, but the contrary appeareth, for these reasons:

1. In that whole booke of *Philo*, concerning the *Theorickes*, there is no mention either of *Christ*, or *Christians*, of the *Euangelists*, or *Apostles*.

2. The *Theoricks* in that booke of *Philo's*, are not any new Sect of late beginning, as the *Christians* at that time were, as is cleerely euidenced by *Philo* his owne words. First, in calling the doctrine of the *Essenes*, πάτριον φιλοσοφίαν, *A Philosophy deriued vnto them by tradition from their fore-fathers*. Secondly, in saying, *Habent priscorum commentarios, qui huius sectæ autores, &c.*

3, The inscription of that booke, is not only θεοῦ φίλοι ἀνθρωποι, but also, θεοῦ ἱκέται: Now *Philo* [b] elsewhere calleth the whole Nation of the *Iewes*, τὸ ἱερώτατον γένος τῶν Ἰουδαίων, which argueth that those *Theoricks* were *Iewes*, not *Christians*.

[b] *Philo in prin. lib. de legat. Caium.*

Chap. XIII.

Of the Gaulonitæ, and the Herodians.

Other factions there were among the *Iewes*, which are improperly termed Sects. Of these there were principally two. First, *Gaulonitæ*. Secondly, *Herodiani*. The *Gaulonitæ* had their names from one *Iudas*, who [a] sometimes was called *Iudas Gauloniter*, [b] sometimes *Iudas Galilæus*, of whom *Gamaliel* speaketh, *Acts* 5 37. *After this man arose vp Iudas of Galile, in the dayes of the tribute.* The tribute here spoken of, was that, made by *Cyrenius*, sometimes called *Quirinius*, the name in *Greeke* is one and the same, but differently read by Expositors. This *Cyrenius* was sent from *Rome* by *Augustus*, into *Syria*, and from thence came into *Iudæa*, where *Copenius* was *President*, and there hee raised this tax, which taxation is vnaduisedly by some confounded with that mentioned, *Luke* 2. 1. Both were raised vnder *Augustus*, but they differed. First, this was onely of *Syria* and *Iudæa*; that in Saint *Luke* was vniuersall of the whole world. Secondly, this was when *Archelaus*, *Herods* sonne, was banished into *Vienna*, hauing reigned nine yeares; that vnder *Herod* the Great: whence there is an obseruable emphasis, in that Saint *Luke* saith, it was the *first* taxing, hauing reference vnto this *second*. [d] The occasion of this faction was thus: When

[a] *Ioseph. antiq. lib. 18. cap. 1.*
[b] *Ioseph. l. 18. c. 2.*
[d] *Ioseph. loco supra citato.*

When *Cyrenius* leauied this tax, and ſeazed vpon *Archelaus Herods* ſonnes goods, then aroſe this *Iudas* oppoſing this tribute, and telling the people, that tribute was a manifeſt token of ſeruitude, and that they ought to call none *Lord*, but onely him who was *Lord of Lords*, the God of Heauen and Earth. Whence thoſe that adhered vnto him, were called *Gaulonitæ*: they were alſo called *Galileans*. [e] It was their bloud that *Pilat* mixed with their ſacrifices, *Luke* 13. 1. For *Pilat* had not authority ouer the Nation of the *Galileans*. The [f] reaſon of this mixture is thought to be, becauſe the *Galileans* forbade ſacrifices to bee offered for the *Roman Empire*, or for the ſafety of the *Emperour*, whereupon *Pilat* being incenſed with anger, ſlew them whiles they were [g] ſacrificing. To this faction belonged thoſe murderers termed Σικαριοι, mentioned, *Act.* 21. 38.

[e] *Oecumenius, Act.* 5. 37. *Theophylact. Luc.* 13. 1.

[f] *Theophylact. in Luc.* 13.

[g] *Ioſeph. lib.* 7. *de bello cap.* 28. *pag.* 985.

Concerning the *Herodians*, thoſe that number them among *Heretiques*, make the hereſie to conſiſt in two things. Firſt, in that they tooke *Herod* the Great for the promiſed *Meſſias*, becauſe in his reigne, hee being a ſtranger, the *Scepter* was departed from *Iudah*, which was the promiſed time of the *Meſſiah* his comming. Secondly, the honoured him with ſuperſtitious ſolemnities, annually performed vpon his birth day. Of *Herod* his birth-day the *Poet* ſpeaketh

——— *Cùm*
Herodis venêre dies, vnctâque feneſtrâ
Diſpoſitæ pinguem nebulam vomuere lucernæ,
Portantes violas, rubrumque amplexa catinum,

Gaudia natat thynni, tumet alta fidelia vino.
Perſ. Sat. 1.

Now whether this latter may bee referred to *Herod* the Great, I much doubt, becauſe I finde not any Author among the Ancients to ſpeake of *Herod* the Great his birth day: It was another *Herod*, *Tetrarch* of *Galile*, otherwiſe called *Antipas*, whoſe birth day, wee reade celebrated *Marke* 6. 21. The former point, that the *Herodians* receiued *Herod* as their *Meſſiah*, though it hath [h] many graue Authours auouching it, yet [i] others iuſtly queſtion the truth thereof; for if the *Herodians* were *Iewes*, (as moſt thinke) how then could they imagine, that *Herod* a ſtranger could bee the *Meſſiah*, ſeeing that it was ſo commonly preached by the *Prophets*, and knowne vnto the people, that the *Meſſiah* muſt bee a *Iew* borne, of the tribe of *Iudah*, and of the houſe of *Dauid*.

[h] Epiphan. hæreſ. 20. & Theophylact. Matth. 22. 16. & alii plures.

[i] Hieron. Matth. 22. 17.

Others ſay, [k] that the *Herodians* were certaine flatterers in *Herod* his Court, varying and changing many points of their religion with *Herod* their King.

[k] Theodor. Bez. Matth. 22. 16.

To omit many other coniectures vtterly improbable, I incline to Saint *Hierome*, whoſe opinion is, [l] that the *Herodians* were thoſe, who ſtood ſtiffely for tribute to bee payed to *Cæſar*. It concerned *Herod*, who at firſt receiued his Crowne from *Cæſar*, to further *Cæſars* tribute, not onely in way of thankfulneſſe, but alſo in way of policie, to preuent a poſſible depoſing or diſceptring, for it was in *Cæſars* power to take away the Crowne againe,

[l] Hieronym. Matth. 22. 17.

againe, when pleaſed him. Now in reſpect that *Herod* ſought to kill *Chriſt*, and the *Herodians* with the *Phariſes* tooke counſell againſt him, vnto this our *Sauiour* might haue reference, ſaying, *Marke* 8.15. Beware of the leauen of the *Phariſes*, and of the leauen of *Herod*, viz. of *their contagious doctrine, and foxlike ſubtilties.*



THE SECOND BOOKE treateth of places.

CHAP. I

Their Temple.

WHEN the *Israelites* came out of *Egypt*, *Moses* was commanded to build a *Tabernacle* for the place of *Gods* publike worship. Afterward when they were setled in the promised Land, then *Salomon* was commanded to build a *Temple*.

These two shadowed the difference betweene the *Iewes Synagogue*, and the *Christian Church*. The *Tabernacle* was moueable, and but for a time; The *Temple* fixed, and permanent: the state of the *Iewes* vanishing, to continue in their generations; the state of *Christians* durable, to continue vnto the worlds end. More principally it shadoweth forth the state of the *Church militant* here on earth, and *triumphant* in heauen: vnto both the

Prophet

Prophet *Dauid* alludeth; Lord who shall *soiourne* in thy *Tabernacle*? Who shall *rest* in *thine holie mountaine*, *Psal.* 15. 1.

There were in the same tract of ground three hills *Sion*, *Moria*, and Mount *Caluary*. On *Sion* was the City and Castle of *Dauid*, on *Moria* was the *Temple*, and on mount *Caluarie Christ* was crucified. [a] But all these three were generally called by the name of *Sion*, whence it is, that though the *Temple* were built on *Moria*, yet the Scripture speaketh of it commonly as if it were on Mount *Sion*.

[a] *Genebrard. in Chronog. lib. 1. Anno Mundi* 3146.

In the *Temple* there are these three things considerable: First, The *Sancta Sanctorum*, the *Holy of Holies*, answerable to our *Quire* in our *Cathedrall Churches*. Secondly, the *Sanctum*, the *Sanctuarie*, answerable to the *body* of the *Church*. Thirdly, the *Atrium*, the *Court*, answerable to the *Church-yard*.

[b] *Sunt qui illud ἐν τῇ apud Apostolum Heb. 9. 4. referunt ad τὸν σκηνὴν, vid. esse in Tabernaculo secundo, quod appellent Sancta Sanctorum, fuisse urnam manne, & virgam Aaronis, tabulasque fœdera, videl. urnam & virgam extra Arcam. (ita Moses Kotsensis pag. 210. 1.) tabulam autem in Arca.*

In the *Holy of Holies* there were the golden Censer, and the *Arke* of the *Testament*, *Hebr.* 9. 4.

In [b] the *Arke* there were three things: First, *The pot of Manna*; secondly, *Aarons rod that budded*; thirdly, *The Tables of the Testament*, *Heb.* 9. 4. Thus they were in *Moses* his time, but afterward in the dayes of *Salomon*, onely the Tables of the law were found in the *Arke*, 1 *King.* 8 9.

The couer of this *Arke* was called ἱλαστήριον, the *Propitiatory*, or *Mercy seat*, because it *couered* and hid the Law, that it appeared not before God to plead against man. It was a type of *Christ*, who likewise it termed ἱλασμὸν, our *Propitiation*, *Rom.* 3. 25. and ἱλαστὴρ, a *Pripitiatorie*, 1 *Ioh.* 2. 2. At each

each end of the *Mercy seat* stood a golden *Cherub*, each *Cherub* stretched forth his wings, and from betweene them as from an *Oracle*, *God* gave his answer, *Exod.* 25.22. Hence it is, that the *Lord* is said to sit betweene the *Cherubims*, *Psalm.* 99.1. The posture of the *Cherubims* was such that their faces were each towards the other, but both looking downe towards the *Mercy seat*; they fitly shadowed out the people of the *Iewes*, and *Christians*, both looking toward each other, but both expecting salvation in *Christ* onely.

In the *Sanctuarie*, there was the *incense altar* in the middle, and the table, with the twelue loaues of shewbread on it, on the one side, and the candlesticke on the other. The incense altar was a type of our prayers, *Psal.* 141.2. And that this altar must bee once euery yeare sprinkled with the bloud of the sacrifice by the high *Priests*, *Exod.* 30.10. it teacheth that our very prayers, except they bee purified by the bloud of *Christ*, they are vnavaileable before *God*. The twelue loaues were a type of the twelue *Tribes*, and the candlesticke a type of the word of God. In them all we may see the necessity of both ordinances requited, *Prayer* and *Preaching*, if wee would bee presented acceptable vnto the *Lord*: The *Candlesticke*, was a type of *Preaching*; *Incense*, of *Prayer*.

In *Moses* his *Tabernacle*, there was but one *table*, and one *Candlesticke*: in *Salomons Temple*, there were ten *Tables*, and ten *Candlestickes*; as likewise in the *Court* of the *Tabernacle*, there was but one brazen Lauer, in the *Court* of the *Temple* there were ten, and another great vessell wherein the

Prieſts waſhed; in the *Tabernacle* there were but *two Siluer Trumpets*, in the *Temple* there were an *hundred and twenty Prieſts ſounding Trumpets.*

The *Courts* of the Temple at the firſt were but two, *Atrium Sacerdotum*, the *Prieſts Court*; and *Atrium populi*, the *peoples Court.*

In the *Prieſts Court*, were the brazen Altar for ſacrifices, and the Lauer for the waſhing, both of the *Prieſts*, and the ſacrifices. The *Lauer*, and the *Altar* ſituated in the ſame court, ſignified the ſame as the *water* and *bloud* iſſued out of *Chriſts* ſide, namely, the neceſſary concurrence of theſe two graces in all that ſhall be ſaued, *Sanctification*, and *Iuſtification: Sanctification* intimated by the *Lauer* and *water: Iuſtification* by the *Altar* and *bloud.*

The *Court for the Prieſts*, and the *Court for the people*, [a] were ſeparated each from other, by a wall of three Cubits high.

[a] Ioſeph. l. 8. cap. 13.

The *Court for the people* was ſometimes called the *outward Court*, ſometimes the *Temple*, ſometimes *Salomons Porch*, becauſe it was built about with porches, into which the people retired in rainy weather, it had *Salomons* name, either to continue his memory, or becauſe the porches had ſome reſemblance of that porch which *Salomon* built before the *Temple*, 1 *King.* 6. 3. *Ieſus* walked in the *Temple, in Salomons Porch*, *Ioh.* 10. 23. All the people ranne vnto the porch, which was called *Salomons*, *Acts* 3. 11. That is, this *outward Court.*

In the middeſt of the *peoples Court Salomon* made a brazen ſcaffold for the *King*, 2 *Chron.* 6. 13.

This *Court for the people* went round about the *Temple*, and though it was one entire Court in the

dayes

dayes of *Salomon*, yet afterward it was diuided by a low wall, ſo that the men ſtood in the inward part of it, and the women it the outward. This diuiſion is thought to haue beene made in *Iehoſaphats* time, of whom we reade, that he ſtood in the houſe of the *Lord*, before the *new Court*, 2 *Chron.* 20. 5. that is, before the *womens Court*.

There was an aſcent of fifteene ſteps or ſtaires betweene the *womens Court* and the *mens*, [4] vpon theſe ſteps the *Leuites* ſung thoſe fifteene Pſalmes immediately following the one hundred nineteenth, vpon each ſtep one Pſalme, whence thoſe Pſalmes are entituled *Pſalmi graduales*, *Songs of degrees*.

[4] *R. Dauid Kimchi. Pſal.* 120.

In the *womens Court* ſtood their *Treaſurie*, or *almes box*, as appeareth by the poore widowes caſting in her two mites into it, *Luke* 21. 1. In *Hebrew* it is termed קרבן *Korban*, the *cheſt of oblations*, the word ſignifieth barely, an *oblation* or *offering*, and accordingly Saint *Luke* 21. 4. ſaith, they all haue their ſuperfluities caſt *into the offerings*, that is, into the *Korban*, or *cheſt of offerings*. In *Greeke* it is termed γαζοφυλακίον, whence commeth the *Latine* word *Gazophylacium*, *A Treaſury*. That ſet vp by *Iehoiada*, 2 *King.* 12. 9. ſeemeth to haue beene different from this, and to haue beene extraordinary, onely for the repairing of the *Temple*, for that ſtood beſide the Altar in the *Prieſts Court*, and the *Prieſts*, not the parties that brought the gift, put it it into the *Cheſt*. Sometimes the whole *Court* was termed *Gazophylacium*, a *Treaſury*, Theſe words ſpake *Ieſus* in the *Treaſury*, *Ioh.* 8. 20. It is worth our noting that the *Hebrew* word תשבחא *Tſedaka*, ſignifying

signifying *almes*, signifieth properly *Iustice*; and thereby is intimated, that the matter of our almes should be goods iustly gotten; and to this purpose they called their *almes box* קֻפָּה שֶׁל צְדָקָה *Kupha Sehel Tsedaka*, the *Cheſt of Iuſtice*, and vpon their *almes box* they wrote [c] this abbreuiature, מַבְרִיא *A gift in ſecret pacifieth anger, Prou.21.14.*

[c] Buxtorf. de abbreu. in מַבְרִיא

In *Herods Temple* there were [f] foure *Porches*, the meaning is foure *Courts*, one for the *Prieſts*, another for *men*, another for *women*, and a fourth *for ſuch as were vncleane by legall pollutions, and ſtrangers*. This outmoſt *Court* for the vncleane and ſtrangers, was ſeparated from the *womans Court*, with a ſtone wall of three Cubits high, which wall was adorned with certaine pillars of equall diſtance, bearing this inſcription: [g] *Let no ſtranger enter into the Holy place.*

[f] Ioſeph.lib.2.contra Apion.p 1066.

[g] Μὴ ἀλλογενῆ εἰσπορεύεσθαι ἐντὸς τοῦ ἁγίου περιβόλου. Locum ſanctum tranſire alienigenam non debet. Ioſeph. de bel. lib.6.cap.6.

The *Temple* at *Ieruſalem* was thrice built. Firſt, by *Salomon*: Secondly, by *Zerobabel*: Thirdly, by *Herod*. The firſt was built in ſeuen yeares, 1 *Kings* 6.37. The ſecond in forty ſix yeares: It was begunne in the ſecond yeare of *King Cyrus*, Ezra 3.8. It was finiſhed in the [h] ninth yeare of *Darius Hyſtaſpis*. The yeares riſe thus,

[h] Ioſeph. Antiq. lib. 11.cap.4.

Cyrus reigned	30	
Cambyſes	08	Yeares.
It was finiſhed in the yeare of Darius Hyſtaſpis	09	

One yeare deducted from *Cyrus* his reigne, there remaine 46.

Herods Temple was finiſhed in [i] eight yeares. It is greatly queſtioned among *Diuines*, of which *Temple* that ſpeech of the *Iewes* is to be vnderſtood,

[i] Ioſeph. Antiq. lib. 15. cap. vlt.

Iohn

John 2. 20. *Forty and six yeares was this Temple a building*: Many interpret it of the ſecond *Temple*, ſaying, that *Herod* did onely repaire that, not build a new: but theſe diſagree among themſelues in the computation, and the Scripture ſpeaketh peremptorily, that the houſe was *finiſhed* in the ſixth yeare of the reigne of *King Darius*, *Ezr.* 6. 15. and *Ioſephus* ſpeaketh of *Herods building a new Temple, plucking downe the old.* [k] It ſeemeth therfore more probable, that the ſpeech is to be underſtood of *Herods Temple*, which though it were but eight yeares in building, yet at this time when this ſpeech was uſed, it had ſtood preciſely *forty ſix yeares*, [l] for ſo many yeares there are preciſely betweene the eighteenth yeare of *Herods* reigne (at which time the *Temple* began to bee built) and the yeare of *Chriſt his Baptiſme*, when it is thought that this was ſpoken, all which time the *Temple* was more and more adorned, beautified, and perfected, in which reſpect it may be ſaid to be ſo long building.

[k] *Vid. Hoſpinian. de Orig. Templ. c. 3.*

[l] *Vide ſupputationem Funccianam anno* 3947.

The ancient men are ſaid to weepe, when they beheld the ſecond, becauſe the glory thereof was farre ſhort of *Salomons*, *Ezr.* 3. 12. It was inferiour to *Salomons Temple*; First, in reſpect of the building, becauſe it was lower and meaner. [m] Secondly, in reſpect of the veſſels, being now of braſſe, which before were of pure gold. Thirdly, in reſpect of fiue things, loſt and wanting in the ſecond *Temple*, all which were in the firſt. First, there was wanting the [n] *Arke of God*; Secondly, *Vrim and Thummim*, *God* gaue no anſwer by theſe two, as in former times; Thirdly, *Fire*, which in the ſecond *Temple* neuer deſcended from heauen to

[m] *Hoſpinian. ex Talmudiſta de Orig. Templ. cap. 3.*

[n] *D. Kimchi in Hagg. 1. 8 Eadem ferunt Rabbi Salomon ibid.*

consume their burnt offerings, as it did in the first: Fourthly, the glory of *God* appearing betweene the *Cherubims*, this they termed שכינה *Schecina*, the *habitation*, or *dwelling* of *God*, and hereunto the *Apostle* alludeth, In him *dwelleth* the fulnesse of the God-head *bodily*, *Coloss.* 2. 9. *Bodily*, that is, not in clouds and ceremonies, as betweene the *Cherubims*, but *essentially*. Lastly, the *Holy Ghost*, namely, enabling them for the gift of *Prophecie*; for betweene *Malachy* and *Iohn* the *Baptist*, there stood vp no *Prophet*, but onely they were instructed *per filiam vocis*, which they termed בתקול *Bath-Kol*, an *Eccho from heauen*, and this was the reason why those Disciples, *Act.* 19. 2. said, Wee haue not so much as heard whether there bee an *Holy Ghost*.

Here it may bee demanded how that of the *Prophet Haggai* is true; *The glory of this last house shall bee greater than the first*, *Hag.* 2. 10. I answer, *Herods Temple* which was built in the place of this, was of statelier building than *Solomons*, and it was of greater glory, because of *Christ* his preaching in it.

Herods Temple was afterward so set on fire by *Titus* his souldiers, [a] that it could not be quenched by the industry of man: [b] at the same time the Temple at *Delphi*, being in chiefe request among the Heathen people, was vtterly ouerthrowne by earthquakes and thunder-bolts from Heauen, and neither of them could euer since bee repaired. The concurrence of which two miracles euidently sheweth, that the time was then come, when *God* would put an end both to *Iewish Ceremonies*, and *Heathenish*

[a] *Gexebrard. Chro. Lz. anno Christi 69.*
[b] *Theodoret. l. 3. c. 11. Sozomenus lib. 5. cap. 19, 20, 21.*

niſh Idolatry, that the Kingdome of his ſon might be the better eſtabliſhed.

Chap. II.

Their Synagogues, Schooles, and Houſes of Prayer.

THE word *Synagogue* is from the Greeke συνάγω, *to gather together*, and it is applyed to all things whereof there may be a *collection* as συναγωγὴ γάλακτος, *copia lactis*, συναγωγὴ πλήθους, *collectio eorum quæ ſunt ad bellum neceſſaria*. *God* ſtandeth in *ſynagoga Deorum*, *in the aſſembly of Iudges*; but *Synagogues* are commonly taken for houſes dedicated to the worſhip of *God*, wherein it was lawfull to *pray*, *preach*, and *diſpute*, but *not to ſacrifice*. In *Hebrew* it was called בית הכנסת *Beth Hacneſeth*, the *houſe of Aſſembly*. The *Temple at Ieruſalem*, was as the *Cathedrall Church*; The *Synagogues*, as petty *Pariſh Churches* belonging thereunto.

Concerning the time when *Synagogues* began, it is hard to determine. It is probable that they began when the Tribes were ſetled in the promiſed Land: The *Temples* being then too farre diſtant for thoſe, which dwelt in remote places, it is likely that they repaired vnto certaine *Synagogues* in ſtead of the *Temple*. That they were in *Dauids* time appeareth; They haue burnt all the *Synagogues of God* in the Land, *Pſal.* 74.8. And *Moſes* of old time had in euery City, them that preached him, being read in the *Synagogues* euery Sabbath day, *Act.* 15.21.

3. The

[a] *Sigonius de rep. Hebr. lib. 2. cap. 8.*

In *Hierusalem* there were [a] foure hundred eighty *Synagogues*, beside the *Temple*, partly for *Iewes*, partly for *strangers*; one for strangers was called the *Synagogue of the Libertines*, *Acts* 6.9. Whence it had that name, whether from the *Romane Libertines*, such as had serued for their freedome, being opposite to the *Ingenui*, those that were freeborne, (for many of those *Libertines* became *Proselytes*, and had their [b] *Synagogues*,) or whether it were from [c] *Lubar*, signifying an *high place* (for as their *Temple*, so their *Synagogues* and *Schooles* were built on hills and *high places*) because it is said, *Prou.* 1.21. Wisdome calleth in *high places*; I leave to the iudgement of the Reader.

[b] *Philo in legat. ad Caium.*

[c] *Vide Trem. Acts* 16.9.

Out of *Ierusalem*, in other Cities and Prouinces were many *Synagogues*: there were *Synagogues in Galile*, *Matth.* 4.23. *Synagogues in Damascus*, *Acts* 9.2. *Synagogues at Salamis*, *Acts* 13.5. *Synagogues at Antiochia*, *Acts* 13. 14. Yea their tradition is, that [d] *whersoeuer ten men of Israel were, there ought to be built a Synagogue.*

[d] *Maimon. in Tephilla c.* 11.§.1.

Their *Synagogues* had [e] many inscriptions: *ouer the gate* was written that of the *Psalme* 118.20. *This is the gate of the Lord, the righteous shall enter into it. In the walls* these and the like sentences; *Remember thy Creator, and enter into the house of the Lord thy God in humility.* And, *Prayer without attention, is like a body without a soule.* And, *Silence is commendable in time of Prayer.*

[e] *Buxtorf de abbreuiatur. pag.* 73. 181.374.

As the *Courts* of the people before the *Temple*, were distinguisht by a wall into two roomes, the one for men, the other for women: so in the *Synagogues*, the women were separated from the men, by

[f] by a partition of lattice, or wire-worke.

[f] Talmud. in Tract. Suta cap. vlt. vide Buxtorf. Synag. c. 9. pag. 240.

In the *Synagogues* the *Scribes* ordinarily taught, but not onely they, for *Chriſt* himſelfe taught in them, &c. He that gaue liberty to preach there, was termed ראש הכנסת, *The Ruler of the Synagogue.* There was alſo a *Miniſter* who gaue the booke vnto the *Preacher*, and receiued it againe, after the text had beene read. *Chriſt cloſed the booke, and gaue it againe to the Miniſter*, Luk. 4. 20. This is probably him whom they called שליח צבור *Sheliach Tſibbur*, *the Miniſter*, or *Clerke of the Synagogue.*

Their *Schooles* were different from their *Synagogues*. *Paul* hauing diſputed for the ſpace of three moneths in the *Synagogue*, becauſe diuers beleeued not, but ſpake euill of that way, hee departed from them, and ſeparated the diſciples, diſputing dayly in the *Schoole* of one *Tyrannus*, Acts 19. 8, 9, 10.

Their Schoole ſometimes is called בית *Beth* an *houſe*, ſimply, as appeareth by that ſaying, [g] *Octodecim res de quibus contentio fuit inter domum Sammai, & domum Hillel, ne Elias quidem abolere poſſet.* Thoſe eighteene matters controuerſed betweene the *houſe* of *Sammai*, and the *houſe* of *Hillel*, *Elias* himſelfe could not decide: that is, betweene their two *Schooles*. Sometimes it is called בית המדרש *Beth hammidraſch*, an houſe of ſubtill and accute expoſition. Here points were more exactly and punctually diſcuſſed, than in the *Synagogue*, or *Temple*; whence they held it a profounder place for expoſition, than the *Temple*: To this purpoſe tend thoſe ſayings, [h] *They might turne a Synagogue into a Schoole, but not a Schoole into a Synagogue, for the ſanctitie of a Schoole is beyond the ſanctity of a Synagogue.* And that

[g] Druſius de tribus ſectis l. 2. c. 10.

[h] Maimon. Tephil. l. 2. cap. 11. §. 14.

growth *from vertue, to vertue, Psalm.* 84 7. * they interpret, a kinde of *promotion* or *degree*, in remouing *from their Temple to their Schoole*. In their *Temple*, their Sermons were as it were *Ad populum*; in their *Schooles*, *Ad Clerum*.

* *Paraphras. Chal. in hunc locum.*

As they had *Synagogues*, so likewise *Schooles*, in euery City and Prouince, and these were built also vpon hils. There is mention of the hill *Moreh*, *Iudges* 7.1. that is, *the Hill of the Teacher*.

The *Masters* when they taught their Schollers, were said to *giue*; *Giue* vnto the wise, and he will be wiser, *Prou.* 9.9.

The *Schollers* when they learned any thing, were said to *receiue* it: Heare my sonne, and *receiue* my words, *Prou.* 4.10. Hence is that of the *Apostle*, This is a true saying, and by all meanes worthy to be *receiued*, 1 *Timoth.* 1.15. that is, *learned*: the like phrases of speech are in vse among the [i] *Latines*.

[i] *Da ſi grauè non eſt. Hor. lib. 2. Satyr. 8.*
Sed tamen iſte Deus qui ſit, da Tyrie rogbu. Virg. Batol.
Accipe nunc Danaum inſidias.— Virg. Æneid l. 2.

Whether their *Oratories* or places of prayer called *Proſeuchæ*, were different places from their *Schooles* or *Synagogues*, I haue not yet learned. That some of these were without the *City*, that proueth nothing, for so might *Synagogues*, and *Schools* too. *Epiphanius* treateth of these [k] *Oratories*, but there hee speaketh not one word to shew the lawfulnesse of ciuill businesses to be done in them: could that be proued, a difference would easily be shewen. Some say they were [l] *Synagogues*, others [m] *Schooles*. Of this *house of Prayer*, mention is made, *Acts* 16.13. in which Saint *Paul* sate downe and spake vnto the women: which gesture intimateth rather preaching than praying: true, all gesture was in vse for prayer, standing, kneeling, sitting; [l] *Abraham stood before*

[k] *Epiphan. Tom. 2. lib 3. cap. 80.*

[l] *Beza Act. 16.13.*
[m] *Philo Iud. de vita Moſi, p. 530.*

before the Lord, Gen.18.22. that is, *he prayed*. The *Publican ſtood a farre off and prayed*, Luk.18.13. whence by way of prouerbe they ſaid, [a] *Sine ſtationibus non ſubſiſterit mundus*, Were it not for *ſtanding* the world could not *ſtand*. *Stewen* kneeled, Act. 7.60. *David* ſate before the *Lord*, and ſaid, 2 Sam. 7.18. yet *ſitting*, when the ſpeech is to the people, not to the *Lord*, implieth *preaching*, not *prayer*. It is probable, that as at the gate of the *Temple*, ſo at the gate of theſe *Oratories*, the poorer ſort of people aſſembled to expect almes, whence ſome vſe the word [b] *Proſeucha*, to ſignifie an *Hoſpitall*.

[a] R Iuda in lib. Muſer. vide Drus. prat. Matth. 6.5.

[b] Qui te quero Proſeucha? Iuuen. Sat.3.

The [c] *Talmudiſts* taxed the peoples negligence in prayer, ſaying, they vſed three ſorts of *Amen*, and all faulty. *A faint Amen*, when they praied without feruency. *A haſty Amen*, when they ſaid *Amen* before the prayer was done. *A lazy Amen*, when they pronounced it at length, as if they were aſleep, diuiding the word *A-men*. The firſt they termed יתומה *Iethoma*, *pupillum*. The ſecond חטופה *Chetupha*, *Surreptitium*. The third, קשורעה *Ketugna*, *Sectile*, *quaſi in duas partes ſectum per oſcitantiam*.

[c] Caminus de locis N. Teſtam. c.5. p.38.

Chap. III.

Of the Gates of Ieruſalem.

THE Gates of the whole circuit of the [a] wall about *Ieruſalem* were nine: *The Sheepe-gate*, Nehem.3.1. This was neere the *Temple*, and thorow it were led the *Sheepe* which were to be ſacrificed, being waſhed in the poole

[a] Sheindler pentaglot.

Bethesda neare the Gate. *The Fish-gate*, *Nehem.* 3. 3. before this *Iudas* is thought to haue hanged himselfe. [b] Some thinke that these two Gates, and likewise the *Horse gate*, *Nehe.* 3. 28. were so called, because they were in manner of three seuerall *Market places*, and at the one Gate, *sheepe*, at the other, *fish*, and at the third, *horses* were sold. The *Old-gate* was so called, because it was supposed to haue remained from the time of the *Iebusites*, and not to haue beene destroyed by the *Assyrians*, it was neare *Caluary*, and without this Gate *Christ* was crucified. Concerning the other Gates little is spoken.

[b] *Stukius comment. lib 2. cap. 11.*

Touching the gates of the *Temple*, there were [c] two of principall note, both built by *Salomon*, the one for those that were new married; the other for mourners and excommunicate persons. The mourners were distinguished from the excommunicate persons, by hauing their lips couered with a skirt of their garment: none entred that gate with their lip vncouered, but such as were excommunicate. Now the *Israelites* which on the *Sabbath* dayes sate betweene those gates, said vnto the *new married*, *Her, whose name dwelleth in this house, glad thee with children*; vnto the *mourner*, *Hee, which dwelleth in this house, glad and comfort thee*; vnto the *excommunicate*, *He, which dwelleth in this house, moue thy heart to hearken vnto the words of thy fellowes.*

[c] *R. Iuda in l. Mosar. vid. Drusii praetrit. Iuan. 9. 22.*

Among the *Iewes*, the gates were places of chiefest *strength*, so that they being taken or defended, the whole City was taken or defended: and they were chiefe places of *iurisdiction*, for in them, *Iudges* were wont to sit, and to decide controuersies: hence proceeded those phrases: *The gates of hell shall*

not preuaile against &c. And *Thy seed shall possesse the gates of his enemies.*

Chap. IV.

Of their Groues, and high Places.

THe ancient *Heathens* did not only not build *Temples*,[a] but they held it utterly unlawfull so to doe. The reason of this might bee, because they thought no *Temple* spatious enough for the *Sunne*, which was their chiefe *God*. Hence came that saying,[b] *Mundus vniuersus est Templum Solis*; *The whole world is a Temple for the Sunne*. Moreouer, they thought it vnfit to straiten, and confine the supposed infiniteneſſe of their fancied *Deities* within wals, and therefore when after times had brought in the vse of *Temples*, yet their *God Terminus*, and diuers others of their *Gods* were worshipped in *Temples open-roofed*, which were therefore called ὑπαιθρα. This I take to bee the reason, why they made choice of *hils*, and *mountaines*, as the conuenientest places for their Idolatry. These *consecrated hils*, are those *high places*, which the *Scripture* so often forbids. Afterwards, as the number of their *Gods* increased; so the number of their *consecrated hils* was multiplyed, from which, their *Gods* and *Goddesses* tooke their names, as *Mercurius Cyllenius*, *Venus Erycina*, *Iupiter Capitolinus*. At length to beautifie these *holy hils*, the places of their idolatrous worship, they beset them with trees, and hence came the *consecration of Groues*, and

[a] *Hospin. de Orig. Templ. p. 1.*

[b] *Alex ab Alex. lib. 2. cap. 22.*

woods, from which their Idols many times were named. [c] At last, some choice and select *trees* began to bee *consecrated*. [d] Those *French Magi*, termed *Dryadæ*, worshipped the *Oake*, in *Greek* termed Δρῦς, and thence had their names. The *Etrurians* worshipped an *Holme tree*: And [e] amongst the *Celtæ*, a *tall Oake* was the very Idoll, or image of *Iupiter*.

[c] *Populus Alcidæ gratissima, vitis Iacchi, Formosæ myrtus Veneri, sua Laurea Phœbo.* *Virg. Eclog. 7.*
[d] *Plin. Nat. Hist. lib. 16. cap. 44.*
[e] *Maximus Tyrius Serm. 38. fol. 225. edit Steph.*

Among the *Israelites*, this Idolatry began vnder the *Iudges*, *Othniel*, and *Ehud*, *Iudg. 3. 7.* and at the last it became so common in *Israel*, that they had peculiar *Priests*, whom they termed *Prophets of the Groue*, 1 *King.* 18. 19. and *Idols* of *the Groue*, that is, *peculiar Idols*, vnto whom their Groues were consecrated, 2 *King.* 21. 7. 2 *Chro.* 15. 16. As *Christians* in the consecration of their *Churches*, make speciall choice of some particular *Saints*, by whose names they call them, as *Saint Peters Church*, *Saint Pauls*, *Saint Andrewes*, &c. So they consecrated their *Groues* vnto particular *Idols*; whence in prophane Authors we reade of *Diana Nemorensis*, *Diana Arduenna*, *Albunea Dea*, all receiuing their names from the *Groues* in which they were worshipped: yea the *Idol* it selfe is sometimes called by the name of a *Groue*: *Iosiah brought out the Groue* from the house of the *Lord*, 2 *Kin.* 23. 6. It is probable, that in this *Idoll* was pourtraied the forme and similitude of a *Groue*, and thence was called a *Groue*, as those siluer similitudes of *Dianaes Temple*, made by *Demetrius*, were termed *Temples of Diana*, *Act.* 19. 24.

Chap.

Chap. V.

Their Cities of Refuge.

THeſe places of *Refuge*, appointed by *God*, differed from thoſe of *Hercules*, and *Romulus*, and other *Heathens*; becauſe *God* allowed ſafety onely to thoſe, who were guiltleſſe in reſpect of their intention: but the others were common Sanctuaries, as well for the guilty as the guiltleſſe. If any man did fortuitouſly, or by chance kill another man, in ſuch a caſe liberty was granted vnto the offender to flie; at firſt vnto the *Altar* for refuge, as is implyed by that text of Scripture, If any man come preſumptuouſly vnto his neighbour, to ſlay him with guile, thou ſhalt take him from mine *Altar*, *Exod.* 21. 14. Yea we may coniecture this cuſtome of refuge, to haue continued in force alwayes by the practice of *Ioab*, 1 *King.* 2. 28. Notwithſtanding, leſt the *Altar* might bee too farre diſtant from the place, where the fact might be committed, it is probable, that therefore *God* ordained certaine *Aſyla*, or *Cities of Refuge*, which for the ſame reaſon, are thought to haue beene *equally diſtant one from the other in *Canaan*: Theſe Cities were in number ſix; *Bezer* of the *Reubenites* Country; *Ramoth in Gilead* of the *Gadites*; & *Golan in Baſhan* of the *Manaſſites*: Theſe three *Moſes* ſeparated beyond *Iordan*, *Deut.* 4. 41, 43. The other three appointed by *Ioſhua* in the Land of *Canaan*, were *Cadeſh in Galile* in Mount *Naphtali*; * *R. Salom. Iarchi Deut.* 19. 3.

Naphtali; *Schechem in Ephraim*; and *Kiratharba* (which is *Hebron*) in the mountaine of *Iudah*, *Ioshua* 20. 7. Three other Cities of like nature, *God* promised the *Israelites*, vpon condition of their obedience, after their coasts were enlarged; but it seemeth that disobedience hindered the accomplishment thereof, for Scripture mentioneth not the fulfilling of it.

Concerning these Cities, the *Hebrewes* note from these words, *Thou shalt prepare the way*, *Deut.* 19. 3. That the *Senate*, or *Magistrates in Israel*, were bound to prepare the wayes to the *Cities of Refuge*, and [b] to make them fit, and broad, and to remoue out of them all stumbling blockes and obstacles; and they suffered not any hill or dale to bee in the way, nor water-streames, but they made a bridge ouer it, that nothing might hinder him that fled thither. And the breadth of the way to the *Cities of Refuge*, was not lesse than two and thirty Cubits, and at the partitions of the wayes, they set vp in writing, *Refuge*, *Refuge*: that the manslayer might know and turne thitherward. On the fifteenth of the moneth *Adar*, or *February*, euery yeere, the *Magistrates* sent out messengers to prepare the wayes.

[b] *Maimon. in Rotsea. cap. 6. § 5.*

Furthermore it was prouided, that two or three wise men should be imployed, to perswade the *Auenger of blood*, if haply he did pursue the man-slaier on the way that hee should offer no violence, vntill the cause were heard and examined. The manner of examination was thus, the Consistory or Bench of *Iustices*, who liued in that quarter, where the murder was committed, [c] placed the party, being brought backe from the *City of Refuge*, in the Court

[c] *Paul. Fag. Num. 35. 6.*

Court or iudgement Hall, and diligently enquired and examined the cauſe, who if he were found guilty of voluntary murder, then was he puniſhed with death, but if otherwiſe the fact were found caſuall, then did they ſafely conduct the party backe againe to the *Citie of Refuge*, where he enioyed his liberty, not onely within the walls of the City, but within certaine territories and bounds of the City, being confined to ſuch and ſuch limits, vntill the death of the high *Prieſt*, that was in thoſe dayes, at what time it was lawfull for the offender to returne and come into his owne Citie, and vnto his owne houſe, euen vnto the City from whence he fled, *Ioſh.* 20. 6. By this means the offender, though he was not puniſhed with death, yet he liued for the time a kinde of exile for his owne humiliation, and for the abatement of his wrath, who was the *Auenger of blond.* [a] [a] *Maſius in Ioſ. cap.* 20.

[d] The *Areopagitæ* had a proceeding againſt caſuall man-ſlaughter, not much vnlike, puniſhing the offender ἐνιαυσιμῳ, with *an yeares baniſhment*: why the time of this exilement was limited to the death of the High *Prieſt* at that time, is not agreed vpon by Expoſitors. But it is moſt probably thought, that the offender was therefore confined within that City as within a priſon, during the High *Prieſts* life, [e] becauſe the offence did moſt directly ſtrike againſt him, as being amongſt men θεὸς, *ac princeps ſanctitatis*, *The chiefe God on earth.* [e] *Maſius ibid.*

THE THIRD BOOKE TREATETH OF DAYES *and Times.*

CHAP. I.

Their Dayes, Houres, weekes, and Yeeres.

BEfore wee treat of their Feaſts, it will be needfull by way of Preface, to vnderſtand ſomewhat concerning the diuiſions of their *Daies, Houres, Weekes, &c.*

Their *Day* was twofold: *Naturall*, containing *day and night*, and conſiſting of 24. houres: or *Artificiall*, beginning at *Sunne-riſing*, and ending at *Sunne-ſet*. Of this is that, *Are there not twelue houres in the day? Ioh.* 11.9.

The *Naturall day* was againe two-fold. *Ciuill*, a

working day, which was destined for ciuill busines ses and workes: this beganne at *Sunne rising*, and held till the next *Sunne rising*, *Matth.* 28. 1. or *Sacred*, a Festiuall or Holy-day, destined for holy exercises: this beganne at *Sunne set*, and continued till the next *Sunne set*.

Their night was diuided into foure *quarters*, or *greater houres*, termed foure *watches*, each *watch* containing three *lesser houres*. The *first* they called *Caput Vigiliarum*, the beginning of the watches, *Lament.* 2. 19. The *second*, was the *middle watch*, *Iudg* 7. 19. not so termed, because there were one-
ly *three watches*, as [a] *Drusius* would perswade, but
[a] *Drus. Iudic.* 7. 19. because it dured till *mid-night*. The *third watch* beganne at *mid night*, and held till three of the clocke in the morning. If he come in the *second*, or *third watch*, *Luk.* 12. 38. The *last*, called the *morning watch*, *Exod* 14. 24. beganne at three of the clocke, and ended at six in the morning. In the *fourth watch* of the night, *Iesus* went out vnto them, *Matth.* 14. 25. These *watches* also were called by other names, according to that part of the night which closed each watch. The *first* was termed [illegible], *The Euen*. The *second* [illegible], *Midnight*. The *third* [illegible] *Cock-Crowing*. The *forth*, [illegible], *The Dawning*. *Yee know not when the Master of the house will come, at Euen, or at Midnight, or at Cock-crowing, or at the Dawning*, *Mark.* 13. 35.

The day was likewise diuided into foure *quarters*, as appeareth by the Parable of the Labourers hired into the Vineyard, *Matth.* 20. The *first quarter* beganne at six of the clocke in the morning, and held till nine. The *second quarter* ended at twelue

twelue of the clocke. The *third quarter* at three in the afternoon. The *fourth quarter* at six of the night. The first quarter was called the *third houre*, *verſ.* 3. The ſecond quarter the *ſixth houre*, *verſ.* 5. The third quarter the *ninth houre*, *verſ.* 5. The laſt quarter the *eleuenth houre*, *verſ.* 6.

Where note, that the three firſt *quarters*, had their names from that houre of the day, which cloſed the quarter (for they began the count of their leſſer houres, from ſix a clocke in the morning, and our 6, 7, 8, 9, 10, 11, 12. 1, 2, 3, 4, 5, 6. was their 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.) onely the laſt was called the *eleuenth houre* by our *Sauiour Chriſt*; whereas among the common people, it either was called, or ſhould haue beene called by proportion with the reſt, the *twelfth houre*; to intimate vnto vs, that though God in his mercy accept labourers into his vineyard *eleuen houres* of the day, yet hee ſeldome calleth any at the twelfth, for that is rather an houre to diſcharge ſeruants, than to admit new.

Some Expoſitors finding mention of the dawning of the day in this Parable, *verſ.* 1.[b] They reckon the 4. *quarters* of the day after this manner. *Hora prima, Hora tertia, Hora ſexta Hora nona.* Where firſt they erre, in taking the *Dawning* of the day for the *firſt houre* of the day, for the *Dawning*, ſignifieth the *laſt quarter of the night*, called the *Morning watch*. Secondly, they erre, in making the *laſt quarter of the day* to bee the *ninth houre*, for what then ſhall become of the *eleuenth houre*, mentioned in the ſame Parable.

By this diuiſion of the day into theſe foure *quarters*, or *greater houres*, the *Euangeliſts* are reconciled touching

[b] Erat autem primus ternarius à prima uſque ad tertiam, & dicebatur prima hora, ſecunda erat à tertia, uſque ad Sextam, & dicebatur hora tertia, tertium erat a ſexta uſque ad nonam, & dicebatur ſexta; quartum à nona uſque ad ultimam quæ erat duodecima, & dicebatur nona. Reſilit hanc opinionem meo ſenſu, & ceptam licet a multis retinentibus (vt ipſe ait) quoniam de vndecima cuius meminit parabola, altum apud hos ſilentium. Iure vapulant à te Toleto qui excludunt vndecimam, conſtanter tamen aſſeuerandum eſt contra te quadripartita diei diuiſio, in hoc potiſſimum illarum vtro conſiſtit, quod horam primam faciunt, non inueniunt, horam vndecimam excludunt tamen, nihil a mente Euangeliſtarum magis alienum, quã vbi ſcripturæ verbis horæ primæ diei, quæ in illum ſcripturæ ſonat tantum ſolis vigilantia. Vid. Toler. in Ioan. cap 19. Annotat 8.

touching our *Sauiours* Paſſion. Hee was crucified at the third houre, *Mark.* 15.25. *Saint Iohn* intimateth his examination before *Pilat*, to haue beene *Hora quaſi ſexta: About ſix a clocke, Ioh.* 19.14. In the firſt place, vnderſtand by his crucifying, not his *hanging on the croſſe*, which was not till the ſixth houre, *Luke* 23. 44. nor his *expiration*, which was not till the ninth houre, *Marke* 15.34. but his *examination vnder Pilat*, at which time the people cryed out, *Crucifie him, Crucifie him*; and then the third and ſixth houre will eaſily be reconciled, for theſe two houres immediately following one another, what was done on the third houre, might truly bee ſaid to be done about the ſixth.

Laſtly, this ſheweth that the houres among the *Iewes* were of two ſorts: ſome leſſer, of which the day contained twelue: others *greater*, of which the day contained foure, as hath beene aboue ſhewen: the leſſer are termed *houres of the day*, are there not twelue houres in the day? *Iohn* 11.9. The greater ſome terme *houres of the Temple*, or *houres of prayer*: *Peter* and *Iohn* went vp into the *Temple*, at the ninth *houre of prayer*, *Act.* 3.1. But in truth there are but three houres of prayer, *the third, the ſixth, and the ninth*. [c] *The third* inſtituted by *Abraham*, the *ſixth* by *Iſaac*, and the *ninth* by *Iacob*. The *third houre* the *holy Ghoſt* deſcended vpon the *Apoſtles*, *Acts* 2. 15. About the *ſixth*, *Peter* went vp to the houſe top to pray, *Acts* 10. 9. At the *ninth Peter* and *Iohn* went into the *Temple*, *Act.* 3.1.

From theſe greater houres of the day and night, the *Canonicall houres* in vſe in the *Romane Church*, had their beginning; [d] each *Canonicall houre* containeth

[c] *Druſium in preteriit. Act.* 3.1. *Non fuiſſe vltra tres horas precationis in die apud Iudæos, clare teſtatur Dauid Kimchi.*

[d] *Vid. Bellarm. de bonis oper. in partic. lib.* 1 *cap.* 10.

neth three leſſer houres, ſo that in the whole night and day, there are eight *Canonicall houres*. At ſix of the clocke in the euening began the firſt, and that is termed *Hora veſpertina*, or *veſpertinum* ſimply (*officium* being vnderſtood) their *Veſpertine*. At nine of the clock at night began the ſecond, and that is termed *Completorium*, their *Completory*. At mid-night began the third, *Nocturnum*, their *Nocturn*. At three of the clock in the morning, being their *Matutinum*, their *Matines*. The Canonicall houres for their day-ſeruice were named, *Hora prima, tertia, ſexta, nona*. Their firſt houre began from ſix of the clock in the morning, and held till nine; the third from nine till twelue, the ſixth from twelue til three; the ninth from three till ſix at night.

The Diall in vſe among the ancient *Iewes*, differed from that in vſe among vs: theirs was a kinde of ſtaires, the time of the day was diſtinguiſhed *not by lines*, but by *ſteps*, or *degrees*, the ſhade of the Sunne euery halfe houre moued forward to a new *degree*. In the Diall of *Ahaz*, the *Sunne* went backe מעלות *Magnoloth*, *degrees*, or *ſteps*, not *lines*, *Iſai.* 38.8.

Their weekes were two-fold: the one was *ordinary*, conſiſting of *ſeuen dayes*: the other *extraordinary* and *Prophetieall*, conſiſting of *ſeuen yeeres*, *Dan.* 9.24. The firſt is termed *Hebdomas diaria*, *a weeke of dayes*: the ſecond, *Hebdomas annalis*, *a weeke of yeeres*.

The *Hebrews* at firſt, meaſured their moneths according to the courſe of the *Sunne*, whence they are called *Menſes Solares*: and then euery moneth conſiſted of thirty dayes. The waters preuailed from the

the seuenteenth day of the second moneth, *Gen.* 7. 11. vnto the 17. day of the seuenth moneth, *Gen.* 8. 4. that is, full fiue moneths. If wee will number the dayes, they were an hundred and fifty, *Gen.* 7. 24. Whereby it appeareth, that euery moneth contained full thirty dayes. After the *Israelites* departure out of *Egypt*, then they measured their moneths by the course of the Moone; they are termed *Menses Lunares:* they contained either thirty dayes, and then they were called *Menses pleni*, *Full moneths:* or twenty nine dayes, and then they were called *Menses cani*, *Deficient moneths.*

The *Sunne* exceedeth the *Moone*, in her course eleuen dayes, [e] hence euery third or second yeare, one moneth was inserted. Now because the twelfth moneth in the *Hebrew kalendar* was called *Adar*, hence when a moneth was inserted, the last was called *Veadar*, the second *Adar*.

[e] *Vid Kalendarium Hebraicum Munsteri. pag. 62.*

Before their captiuity in *Babylon*, they counted their moneths without any name, according to the number. The *First, Second, Third moneth, &c.* After their returne from *Babylon*, they called them by these names:

1. *Nisan*, it was also called אביב, *Abib*, which signifieth an *eare of corne*, in this moneth Barly began to bee *eared.*
2. *Iar*, it was also called זיו which signifieth *beauty*, then the trees began to bee *beautified* with buds and blossomes.

They answered to part of
1 { March. Aprill.
2 { Aprill. May.

3. *Siuan.*

3. *Siuan.*	3	May. / Iune.
4. *Thamuz.*	4	Iune. / Iuly.
5. *Ab.*	5	Iuly. / Auguſt.
6. *Elul.*	6	Auguſt. / September.
7. *Tiſri*, otherwiſe called *Ethanim.*	7	September. / October.
8. *Marche ſuan*, it was alſo called *Bul.*	8	October. / Nouember.
9. *Ciſleu.*	9	Nouember. / December.
10. *Tebeth.*	10	December. / Ianuary.
11. *Schebeth.*	11	Ianuary. / February.
12. *Adar.* *Veadar.*	12	February. / March.

They answered to part of

Before their comming out of *Ægypt*, they [f] beganne their yeare in the moneth of *Tiſri*, and thus they continued it alwayes after for ciuill affaires, for their date of buying, ſelling, their *Sabbaticall yeares*, yeares of *Iubile*, &c. After their comming out of *Ægypt*, they beganne their yeare in the moneth *Niſan*, and ſo continued it for the computation of their greater feaſts.

f Ἐν μὲν γὰρ τοῖς ἀρχαίοις χρόνοις ἀφ' οὗ μετὰ πολλῶν κακῶν ἐξεπέμφθησαν ὑπὸ Αἰγυπτίων, τὸν μῆνα τοῦτον ἦρχεν ἐνιαυτοῦ τοῖς ἀνθρώποις διαφερόντως. Μαυσῶλος δὲ τὸν νεὼν, ὃς ἐστὶν ἑορτῶν ἐπιφανεστάτη παρὰ τοῖς ἐγχωρίοις θεσμός. Ioseph. Antiq. l. 1. c. 4. Mendoſe ponitur μαρσουάνη pro μαρχασουάνη, qui menſis erat olim ſecundus apud Hebræos, ſicut & Dius apud Macedones.

Chap. II.

Of their Feasts.

BEfore we descend to their particular *Feasts*, first we will see the manner of feasting in generall. Their ordinary meales as they were not many in a day, so neither were they costly. They were called [a] *Arucoth*, which word signifieth properly, such fare as trauellers and wayfaring men vse on their iourneyes. The word is vsed, *Ierem.* 40. 5. *So the chiefe steward gaue him vittailes, and a reward, and let him goe:* likewise, *Prou.* 15. 17. *Better is a dinner of greene herbes where loue is.* The extraordinary and more liberall kinde of entertainment by way of feasting, was commonly called [b] *Mischte*, from their liberall drinking at such meetings. There was also another kinde of feasting, wherein they made merry together, eating the remainders of their sacrifices; this they termed [c] *Chag.* From this custome of hauing a feast at the end of their sacrifices, the *Christians* of the *Primitiue Church* instituted their *loue feasts* to [d] succeed the *Lords Supper:* In both these greater and more solemne *feasts*, there were some Ceremonies vsed by them as *preparatorie to the Feast*; others in their *giuing thankes*; others in their *gesture at Table.*

[a] ארח אורחות *Iter facere, significat viat icum.*

[b] משתה *Conuiuium, Compotatio. Dicitur à potando, siue bibendo vt Græcè συμπόσιον, ab altera eius parte.*

[c] חג, *Festum, celebru solennitas, à radice* חגג, *Festum celebrauit.*

[d] *Chrysost. 1 Cor. 11. Hoc autem præcipio.*

The *ceremonies preparatory were* principally these three. 1. *Salutation.* 2. *Washing the feet of the guests.* 3. *Pouring oyle on them.*

Their *Salutations* were testified either *by words*, or

or ſome *humble geſture of the body*. *By words*, and then theſe were the vſuall formes, *The Lord be with you*, or *The Lord bleſſe you*, *Ruth* 2.4. From the laſt of theſe, *bleſſing* is often taken in Scripture for ſaluting. If thou meet any, [e] *bleſſe* him not, or if any *bleſſe* thee, anſwer him not againe, ſaith *Eliſha* to *Gehazi*, 2 *King.* 4. 29. The ſenſe is as our *Engliſh* renders it, *Salute him not*. Sometimes they ſaid, *Peace be vnto thee*, *Peace be vpon thee*, *Goe in peace*, and ſuch like: *when ye come into an houſe, ſalute the ſame; and if the houſe be worthy, let your peace come vpon it, but if it be not worthy, let your peace returne to you*, *Matth.* 10. 12, 13. By *geſture*; their *ſalutations* were ſignified ſometimes by *proſtrating the whole body*; ſometimes by *kiſſing the feet*, *Luke* 7. 38. commonly by an [f] *ordinary kiſſe*. *Moſes* went out to meet his father in law, & did obeyſance and *kiſſed him*, *Exod.* 18.7. Moreouer *Ioſeph kiſſed* all his brethren, and wept vpon them, *Gen.* 45.15. This Saint *Paul* calleth an *holy kiſſe*, 1 *Cor.* 16.20. Saint *Peter*, A *kiſſe of charity*, 1 *Pet.* 5. 14. [g] *Tertullian* calleth it, *Oſculum pacis*, A *kiſſe of Peace*. Theſe were *kiſſes* which a *Cato* might giue, and a *Veſtall* receiue: Of this ſort the *Iewes* had [h] three kindes. 1. A *kiſſe of ſalutation*, which hath beene ſpecified by ſome of thoſe former inſtances. 2. A *kiſſe of valedidion*; Wherefore haſt thou not ſuffered mee to kiſſe my ſonnes and my daughters, *Gen.* 31. 28. 3. A *kiſſe of homage*; the word ſignifieth a *kiſſe of eſtate or dignity*, but it was to teſtifie their *homage* and acknowledgement of their *Kings* ſoueraignty. Then *Samuel* tooke a viall of Oyle, and powred it vpon *Sauls* head, and *kiſſed* him, 1 *Sam.* 10. 1. And

e *Tertul. lib. 4. aduerſ. Marcion.*

f *Xenophon. de inſtitut. Cyr. lib. 1. pag. 17. It. lib. 5. p. 133.*

g *Tertull. de orat. cap. 14.*

h *Vid. Bruſſum ad difficiliora loca, Exod. cap. 12.*

1 נשיקות מרקים, *Neſikoth pharakim, Oſcula propinquorum.*

2 נשיקות מרישות *Neſikoth pariſouth, Oſcula ſeparationis.*

3 נשיקות גדולה *Neſikoth gedola, Oſcula magnitudinis.*

vnto this they referre that in the second *Psalme*, *Kisse the Sonne lest he be angrie*. These *salutations*, howsoeuer they were such as were vsed mutually, sometimes in their meetings abroad vpon the way, yet were they such, as were vsed also in their entertainment, as clearely appeareth by many of those forequoted examples.

[h] *Lotio pedum ante discubitum, non solum Iudeis, sed & gentibus ipsis erat vsitata: locus hic tum est, hic accumbe, ferte aquam pedibus. Plautus Pers.*

The second *Ceremony preparatory* was [h] *washing their feet*. And the man brought the men vnto *Iosephs* house, and gaue them water, and they did *wash their feet*, *Gen.* 43. 24. This office was commonly performed by seruants, and the meaneſt of the family, as appeareth by our *Saviour Christ*, who to leaue an example of humility behinde him, *washed his disciples feet*, *Iohn* 13. 5. And *Abigail*, when *Dauid* tooke her to wife, said, Behold let thine handmaid be a seruant, to *wash the feet* of the seruants of my *Lord*, 1 *Sam.* 25. 41. For this purpose had they certaine vessels in readinesse, for such imployments: that which our *Saviour* vsed, we translate a *Bason*, *Ioh.* 13. 5. He powred out water into a *Bason*. The word νιπτῆρ there vsed, signifieth in generall a *washpot*, and is there vsed for that which in strict propriety of speech, the *Grecians* termed ποδονιπτῆρ, (i.) A *washpot for our feet*: Some may here make the question, whence this water was powred? I see no inconuenience, if wee say, that there were vsually in their dining roomes greater vessels, from which they powred out into lesser, according as they needed, of which sort it is not [k] improbably thought, that those water-pots were mentioned, *Iohn* 2. 6. There were set there *six water-pots* of stone, after the manner of the *purifying*

[k] *Stuckius lib. 1. cons.*

of

of the *Iewes*. By *purifying* there, vnderstand this complementall *washing* of which wee treat: Now if we consider the washing of their hands, vsuall and commendable in it selfe, though superstitiously abused by *Scribes* and *Pharises*; and the washing of their feet before, and after meale, (for our *Saviour* washed his Disciples feet after supper) which second washing, the *Hebrewes* say it was in vse onely at the *Passeover*; there must needs be vse of great store of water in their greater Feasts, and therfore no maruell, if many and capacious vessels stood in readinesse. Farther, we are to note, that as the office was seruile and base, so the vessell: which obseruation giueth light to that, *Psal.* 60. 8. *Moab is my wash-pot*; that is, the *Moabites* shall be basely subiect vnto me, as the pot in which I *wash my feet*.

The third *Ceremony preparatory*, was *powring out of oyle*. A woman in the City brought an Alabaster box of ointment, and stood at his feet behinde him weeping, and beganne to *wash his feet* with teares, and did wipe them with the haires of her head, and kissed his feet, and *anointed them with the ointment*, *Luke* 7. 37, 38. It was also powred *vpon the head*, whence in the same place, *Christ* challengeth the *Pharisee* which entertained him, *Mine head with oyle thou diddest not annoint*, *vers.* 46. *Psal.* 23. 5. *Thou annointest mine head with oyle.*

After these *ceremonies* of *preparation* had beene performed, then they proceeded to *giuing thanks*. The *Master of the house* sitting downe together with his guests, tooke a *cup full of wine* in his right hand, and therewith beganne his *consecration*, after this manner. [1] *Blessed be thou O Lord our God,*

[1] ברוך אתה יי אלהינו מלך העולם בורא פרי הגפן

Benedictus es tu Domine Deus noster rex mundi, qui creas fructū vitis.

the King of the world, which createst the fruit of the vine. Hauing said thus, hee first lightly tasted of the wine, and from him it past round the table. This grace or thanksgiuing, they call [m] *Bircath haiaïn, the blessing of the cup.* With this *Christ* himselfe seemeth to haue begun his supper; *He tooke the cup, and gaue thankes and said, Take this and diuide it among your selues, for I say vnto you, I will not drinke of the fruit of the vine, vntill the Kingdome of God shall come, Luk.* 22.17,18. After the *blessing of the cup*, the *master of the house* tooke the *bread*, which they did *Scindere*, but not *Abscindere*, lightly cut for the easier breaking thereof, but not cut in sunder; and holding this in both his hands, hee *consecrated* it with these words, *Blessed bee thou, O Lord our God, the King of the world, which bringest forth bread out of the earth.* This *consecration of bread*, they termed, [n] *Bircath halechem.* After the *consecration*, he *brake the bread*, (whence the *master of the house*, or he who performed these blessings in his stead, was termed * *Habotseang* (i.) *the breaker*;) the bread being broken, he distributed to euery one that sate at the table a morsel, which being done, then they began to feed vpon the other dishes that were prouided. This rite of blessing both the cup and the bread, they obserued onely in their solemne festiuals, otherwise they consecrated the bread alone, and not the cup. In their feast time, they seasoned their meat with good conference, such as might either yeeld matter of instruction, or exercise their wits; which practice was also obserued in their *Christian loue* ° *feasts.* Of the first sort, was that parable proposed by our blessed *Sauiour* at a feast, *Luke* 14.7. Of the second,

[m] בִּרְכַּת הַיַּיִן

[n] בִּרְכַּת חַלְחֵם *Benedictionem panis. Drusius in N.T. part. altera, p. 78.*

* הַבּוֹצֵעַ

° *Non tam cœnam quam disciplinam. Tertull. Apolog. c. 39.*

was

was *Sampsons* riddle, which hee proposed vnto his companions, *Iudg.* 14. 12. At the end of the feast, they againe gaue thankes, which was performed in this manner, either by the *master of the house* himselfe, or by some guest, if there were any of better note at the table: hee taking a cup of wine in both his hands, began thus, *Let us blesse him who hath fed us with his owne, and of whose goodnesse we liue:* then all the guests answered, *Blessed bee hee of whose meat we haue eaten, and of whose goodnesse wee liue.* This *grace* they called [p] *Bircath Hamazon.* [q] And this is thought to bee the cup wherewith *Christ* after Supper commended the mystery of his bloud to his Disciples: after this, he which began the thanksgiuing proceedeth, *Blessed bee hee, and blessed bee his name*, &c. annexing a longer prayer, in which hee gaue thankes; First, for their present food. 2. For their deliuerance from the *Ægyptian* seruitude. 3. For the couenant of circumcision. 4. For the Law giuen by the ministery of *Moses*. Then he prayed that *God* would haue mercy, 1. On his people *Israel*, 2. On his owne City *Ierusalem*, 3. On *Sion* the tabernacle of his glory, 4. On the *Kingdome* of the house of *Dauid* his annointed, 5. That he would send *Elias* the Propher; Lastly, that he would make them worthy of the dayes of the *Messiah*, and of the life of the world to come.

[p] ברכת המזון

[q] *Vid. Pag. in prec. Hebr.*

This prayer being ended, then all the guests which sate at the table, with a soft and low voice, said vnto themselues in this manner; *Feare the Lord all yee his holy ones, because there is no penury to those that feare him; the young Lions doe want and suffer hunger, but those that seek the Lord want no good thing.*

Afterward

Afterward he which began the thanksgiuing, *blessed the cup* in the same forme of words, as hee vsed at the first sitting downe; saying, *Blessed bee thou O Lord God, the King of the world, which createst the fruit of the Vine:* And therewith he dranke a little of the wine, and so the cup passed round the table. Thus they began and ended their feasts, with the *blessing of a cup:* this cup they termed, כוס הלל *Cos hillel, Poculum laudis, A cup of thanksgiuing:* and *both these cups* are mentioned by Saint *Luke*, and which is worth our obseruation, the words of Consecration, whereby it was instituted, as part of the blessed Sacrament in the *New Testament*, were added onely to the last cup. *This cup is the New Testament in my bloud, which is shed for you.* After all this, they sung [r] Hymnes and Psalmes, which also was practised by our blessed *Saviour*, *Marke* 14.26. So that howsoeuer hee vsed not any superstitions, either then practised, or since added by after *Iewes*, (as the drinking of [t] foure cups of wine, [u] or the breaking of the bread with all ten fingers, in allusion to the ten Commandements, &c.) yet in the beginning, and ending, wee see his practise sutable with theirs. If any desire a larger discourse of these blessings, noted out of the *Rabbines*, let him reade * *P. Fagius* his Comment on *Deut.* 8. 10. from whom I haue borrowed a great part of what herein I haue deliuered. If any shall here obiect, that I seeme to make the *blessed Sacrament* of our Lords body and blood, a *Iewish ceremony*, I answer no; For as a kinde of initiatory purification by water, was vsed before by the *Iewes* of old, and no *Proselyte* was admitted into the Church of the

[r] *Scalig. de emend. Temp. lib. 6 p. 373.*

[t] *Moses Kotsensis fol. 118. col. 1.*

[u] *Sebastian. Munster. Mat. 26.*

* *In prec. Hebr. per Fagium edit.*

Iewes

Iewes, without this purification: yet it was no more a *Sacrament* to them, than *Circumcision* was to *Turkes* and *Saracens*. Thus neither was breaking the bread *sacramentall* to the *Iew*, but then it became a *Sacrament*, when *Christ* said of it, This is my body. This cup is the *New Testament* in my bloud, &c. *Luk.* 22.19. The *Iewes* could not say, The cup of blessing which wee blesse, is it not the Communion of the bloud of Christ? 1 *Cor.* 10.16.

The last thing considerable in their *Feasts*, is their *gesture*. In the dayes of our *Saviour*, it is apparent that the gesture of the *Iewes* was such as the *Romanes* vsed. The table being placed in the middest, round about the table were certaine beds, sometimes two, sometimes three, sometimes more, according to the number of the guests; vpon these they laid downe in manner as followeth. Each bed contained three persons, sometimes foure, seldome or neuer more. If one lay vpon the bed, then hee rested the vpper part of his body vpon his left elbow, the lower part lying at length vpon the bed: but if many lay on the bed, then the vppermost did lie at the beds head, laying his feet behinde the seconds backe: in like manner the third or fourth did lie, each resting his head in the others bosome. Thus *Iohn* leaned on *Iesus bosome*, *Iohn* 13. 23. This, first, is an argument of *speciall loue* towards him, whom the *Master of the house* shall take into his owne *bosome*, *Iohn he was the beloued Disciple*. Secondly, an argument of *parity* amongst others, resting in one anothers *bosome*. *Many shall*

y Veteri quibus vsi sunt Euangelistæ sonant accubitum non sessionem, ἀνακεῖσθαι, Luc. 22. ἀνακεισθαι, Matth. 26. Καλλισθαι, Luc 14. ἀνακλιθῆναι, Matt. 14.

come from the East and west, and shall sit downe with Abraham, and Isaac, and Iacob, Mat.8.11. And where shall they sit? In *Abrahams bosome, Luk.16.22.* that is, they shall all sit at the same table, be partakers of the same glory. Thus *Christ*, hee was in the *bosome of his Father, Iohn 1.18.* that is, in the *Apostles* phrase, *He thought it no robbery to be equall with his Father.* Their tables were perfectly circular or round, whence their manner of sitting was termed [z] *Mesibah, a sitting round*; and their phrase of inuiting their guests to sit downe, was, *sit round: We will not sit round* vntill he come hither, *1 Sam. 16.11.* Againe, Thy children shall be like Olive plants *round* about thy table, *Psalm. 128.3.* This custome of lying along vpon a *bed*, when they tooke their meat, was also in vse in *Ezekiels* time; Thou satest vpon a stately *Bed*, and a table prepared before it, *Ezek.23.41.* [a] And whether this were the custome of the ancient *Hebrewes*, I leaue to bee discussed by others. But vnto this also doth *Amos* allude; They lay themselues downe vpon clothes laid to pledge by euery Altar, *Amos 2.8.* That is, the [b] garments taken to pledge they vse in stead of *Beds*, when at their Altars they eat things sacrificed to Idols: Yea, the plucking off their shooes when they went to table, implyeth this custome of lying at the table, to haue beene very ancient. The plucking off their shooes seemeth to haue been generally receiued, when they were in *Egypt*, for this cause is it, that they had a strict charge in eating the *Passeouer*, to haue their shooes on their feet for greater expedition. The reason why they vsually pluckt them off, was, for the cleane keeping of their

[z] מסבה *Discubitus, cuius radix est* סבב, *circumuit, Ambiuit.*

[a] *Philo Iud. p. 388.*

[b] *Vetustissimus mos erat super lanatis pellibus discumbere. Qui poterat pelles addere, diues erat. Ouid.*

their Beds, on which they lay. Here seeing the rule of obseruing the *Passeouer* requireth that it should be eaten with their shooes on their feet, which argueth rather *standing* than *lying vpon a bed*: it may be demanded whether *Christ* transgressed not against the first institution thereof, in the manner of his sitting at the table? *Tremelius* answereth thus, and in my minde fully: [c] We must know, saith he, that *Exod.* 12. it was commanded after what manner, they ready to depart out of *Egypt*, should eat the *Passeouer* at that time, for the necessity of that time so required, namely, an hasty eating thereof: But afterward in the Law, where it is commanded that this ceremony of the *Paschall* should be renued euery yeare, those words are not addded. Wherefore all the *Hebrew Doctors*, both ancient and moderne, doe teach with one ioynt consent, that the commandement of *sprinkling the doore posts with bloud*, of *hauing on their shooes*, of *girding their loynes*, of *taking staues in their hands*, and *eating the Lambe in haste*; did not extend it selfe to the generations following, but onely to haue concerned that very night, wherein they departed out of *Ægypt*: [d] Yea, it was an ancient tradition amongst them, that when they did in after times eat the *Passeouer*, they would sit downe, or leane vpon a Bed, as our *Sauiour* and his Disciples did, in token of their deliuerance obtained.

[c] *Tremel. in Mat. 26.20.*

[d] *Talmud. tract. de Pascbate. vid. Tremil. loco superius citato.*

The parties that gaue entertainment at their *Feasts*, were two: 1. [e] The *Master of the house*, 2. The *Master of the Feast*; They differed thus, the *Master of the house* was termed בעל הבית *Baal habeth*, *id est, Pater familias*. The *Master of the feast* was

[e] *Vid. Casaubon. exercit. p. 278.*

termed בעל משתה *Baal mischte*, ἀρχιτρίκλινος, *Triclinii Præfectus*; The *Master of the Feast* was the chiefe seruant attending the *Master of the house* in time of the feast. Others adde a [g] third sort whom they would haue to be *Præfecti morum*; in Greeke they were termed ἐπόπται. Their office was thought to haue beene the inspection of the guests, that none should disorder themselues by drinking too much, whence they were called ὀφθαλμοὶ, *the eyes of the feast*. Such kinde of officers were in vse in *Ahasueroſh* his court, *Ester* 1. 8. and likewise among the [h] *Athenians*, but whether any such belonged vnto the *Iewes* is iustly doubted.

[g] *Gaudentius Brixianus. vid. Casaubon ibid.*

[h] *Athenæus l. 10.*

The ancient *Iewes*, they were both hospitall ready to entertaine, and also liberall in their entertainment; their hospitality is commended thorowout the Scripture, though now it be growne out of vse among them, as appeareth by that prouerbiall speech concerning the entertainment of a friend: [i] *That the first day he is Oreach, a guest: the second Toreach, a burden: the third Barach, a runnagate.* Their liberality appeared by remembring the poore at their feasts, by sending them portions. *Send portions* vnto them for whom nothing is prepared, *Nehem.* 8. 10. This was afterward practised by Heathens, who in their solemne feasts did not onely entertaine their guests for the present, but did also allow them certaine iunkets to carry away with them. These they termed ἀπόφορετα: and likewise vnto their friends who were absent, they sent portions, which they termed μοῖδας. This obseruation giueth light to that *Canon* in the *Laodicean Councell*, which forbiddeth *Christians* in their

[i] אורח *Hospes* טורח *Onus* ברית *Profugus Buxtorf. Synag. cap* 3 *p.* 493.

[k] *Morin, vel veteribus eorum mos erat mittere a sentibus amicis. Theophrastus cap. de ἀπεφορήτῳ. Idem testatur Plut. in Agesilaio. Διὸ καὶ τὰ μοῖδας τοῖς φίλοις ἔστι τὰ*

loue

loue feasts, μέρη ἄρων, to *send portions*, the reason of which prohibition, I conceiue to be threefold: First, That *Christians* might not symbolize with *Heathen* people. Secondly, That none presuming that their portions should bee sent them, might absent themselues. Thirdly, That those present (especially the poorer sort as it often falleth out) might not bee iniured, by hauing the best of their prouision sent away in such *portions*.

τῆ δομῆσαν. Eundem mortem Iudæis in ſuſpicione fuiſſe teſtantur ſacræ literæ, Nehem. 8. 10. Sanctificati mei eiſus.

Here wee may note for conclusion, that as the time of their supper was toward the euening, and then they gaue greatest entertainment; So the time of their dinner was about the sixth houre of the day, that is, as wee count, about noone. Kill meat and make ready, for the men shall eat with mee at *noone*, *Gen.* 43. 16. *Peter* went vp vpon the house to pray about the *sixth houre*, then waxed hee an hungred, and would haue eaten, but whiles they made something ready, hee fell into a trance, *Acts* 10. 9, 10.

Moreouer wee may here note the difference betweene those *three cups* mentioned in Scripture, ποτήριον τῆς εὐλογίας, 1 *Corinth.* 10. 19. The *cup of blessing*, and this is applied to those seuerall cups vsed in their solemne feasts, because of those blessings or thanksgiuings annexed. Secondly, ποτήριον εἰς παράκλησιν, *Ier.* 16. 7. The *cup of consolation*, this was so called because it was sent by speciall friends in time of mourning, as intending by this drinking to put away sorrow and griefe from the mourner. Thirdly, ποτήριον σωτηρίας, *Psal.* 116. 13. *The cup of saluation*, this was vsed commonly after their *peace offerings*, which were vowed in way of thankfulnesse for benefits obtained

tained. Whence the *Seuenty Elders* commonly translate a *peace-offering* σωτήριον, *a sacrifice of saluation*, or *saluation it selfe*.

Chap. III.

Of their Sabbath.

THe word שבת, *Schabbath*, from whence our *English* word *Sabbath* is deriued, signifieth *rest*, and is applyed to all *solemne festiuals*. They polluted my *Sabbaths*, *Ezek.* 20. 21. that is, my *Feasts*. Sometimes it is applied to the *whole weeke*. *Ieiuno bis in Sabbato*, *I fast twice in the weeke*. Sometimes, and that most frequently, it is vsed for that seuenth day which *God* had set apart for his owne seruice. This last was holy, either by a simple holinesse which belonged vnto it, as was the seuenth day; or else by a double holinesse occasioned by some solemne Feast vpon the same day, and then it was called, *Sabbatum magnum*, *A great Sabbath*, *John* 19. 36. For on that *Sabbath* day of which *Saint Iohn* speaketh, the *Feast of the Passeouer* happened that yeere.

The weeke dayes are termed by the *Hebrewes* חוליים, *Cholim*, *prophane dayes*, by the *Greeks* ἐργάσιμοι, *Working dayes*: but when they speake of them altogether, τὸ μεταξὺ σαββάτου, *the space of time betweene the two Sabbaths*. [a] This was the time vpon which the *Gentiles* desired to heare *Paul*, *Act.* 13. 42. In respect of the different degrees of holinesse on dayes, the *Sabbath day* is not vnfitly compared to a *Queene*,

[a] *Scalig de emend. Temp. lib. 6. p. 651. Item Beza in hunc locum.*

or

or rather to thoſe whom they termed *Primary wiues*; other *Feaſt-dayes* to *Concubines*, or *halfe-wiues*, *working dayes* to *handmaids*.

The *Sabbath* began at [b] ſix a clocke the night before, this the *Grecians* called παρασκευὴ σαββάτου, the *Hebrewes* * *Biath haſchabbath*, the *entrance of the Sabbath*. * באת השבת

[b] *Scalig. de emend. Temp. l. 6. p. 269.*

The preparation to the Sabbath began at [c] three of the clocke in the after noone, the *Hebrewes* called this ערב השבת, *Gnereb haſchabbath*, the *Sabbath eue*. By the ancient *Fathers* it was called [d] *cæna pura*, the phraſe is borrowed from *Pagans*, whoſe Religion taught them in their ſacrifices to certaine of their *Gods* and *Goddeſſes*, to prepare themſelues by a ſtrict kinde of holineſſe, at which time of their preparation they did partake of a certaine ſupper, which as it conſiſted of choice meats, ſuch as thoſe *Heathens* deemed more holy than others: ſo it was eaten with the obſeruation of holy rites and ceremonies; hence they themſelues were ſaid at this time of their preparation, to bee *In caſto*, and their preparatory Supper, termed, *Cæna pura*. Thus wee ſee the reaſon why the *Fathers* called the *Sabbath-eue*, *Cœnam puram*. By the *Euangeliſts* it was called παρασκευὴ, *A preparation*, *Mark.* 15. 42. For diſtinction ſake, we may call that foretime of the day προπαρασκευὴ, *A fore preparation*. For the whole day was a kind of preparation, as will appeare by the particulars then forbidden. Firſt on this day they might goe no more than three *Parſath*; now a *Parſa* contained ſo much ground as an ordinary man might goe ten of them in a day. Secondly, Iudges might not then ſit in iudgement vpon life and death, as is ſhewen in

[c] *Ioſeph. Antiq. l. 16. c. 10.*

[d] *Invitibus Paganorum cœna para appellabatur cœna illa apponi ſolita, qui in caſto erant quod Græci dicunt ἀγνεύειν, vel προαγνεύειν. Iſaac Caſaubon. Exerc. it. 16. p. 682.*

in the Chapter of Tranſlation of Feaſts. [e] Thirdly, all ſorts of Artificers were forbidden to worke, onely three excepted, *Shoomakers*, *Taylors*, and *Scribes*, the two former for repairing of apparell, the other for fitting themſelues by ſtudy to expound the Law the next day, and theſe were permitted but halfe the preparation time to worke.

e Caſaubon. Exercit. 16 p. 477 ex Mithlol. Kimchi.

The beſt and wealthieſt of them [f], euen thoſe that had many ſeruants, did with their owne hands further the *Preparation*; ſo that ſometimes the Maſters themſelues would chop herbs, ſweep the houſe, cleaue wood, kindle the fire, and ſuch like.

f Buxtorf. Synagog. Iud. cap. 10. ex Talmud.

In old [g] time they proclaimed the *Preparation* with noiſe of Trumpets, or hornes; but now the moderne *Iewes* proclaime it by the Sexton, or ſome vnder Officer of the Church, whom they call שליח צבור, *Scheliach tſibbur*, The *Meſſenger of the Congregation*.

g Buxtorf Synag. Iudaic. ibid.

Concerning the ſanctification of the *Sabbath* day it ſelfe, in corrupter times ſome things the *Iewes* added ouer and aboue that which God commanded. In other things they tooke liberty where *God* granted none. In the firſt, they were *ſuperſtitious*; in the ſecond *ſacrilegious*.

They tooke liberty. There were two thouſand cubits betweene the *Arke* and the *campe*, when they marched, *Ioſh.* 3. 4. and in probability, the ſame proportion was obſerued when they reſted: this diſtance of ground ſome interpret to be one mile, ſome two: ſome meaſuring it according to a leſſer, others according to a longer cubit, which they terme a *Geometricall cubit*: but all agree in this, that theſe two thouſand cubits were a *Sabbath* dayes iour-

iourney, though none, as I know, haue obſerued the reaſon why it was ſo called, which I take to be this; On the *Sabbath* day they were all to repaire to the place of Gods publike worſhip, which was two thouſand cubits diſtant from thoſe who camped neareſt: Hence follow foure propoſitions. 1. That two thouſand cubits any where, by proportion might be called a *Sabbath dayes iourney*. Secondly, that to thoſe who dwelt in the Camps more remote from the *Arke*, a *Sabbath dayes iourney* was more than two thouſand cubits. Thirdly, That it is now lawfull on the *Sabbath* day, to ioyne with the congregation in the place of Gods publike worſhip, though remote. Fourthly, that it was vnlawfull for the *Iewes*, hereupon to take liberty to walke idly whither they would, if it were not more than two thouſand cubits, pretending it to be but a *Sabbath dayes iourney*.

They added vnto that which God commanded. 1. God ſaid, Remember to keepe holy a ſeuenth day: In which words *God* ſanctified one day to be *Sabbathum*, [i] they added *Sabbatulum*, ſo they termed that additament of time which they annexed to the *Sabbath*. This addition of time was *twofold*: ſome beganne the *Sabbath* ſooner than others; this was done by the *Iewes* dwelling at *Tyberias*, becauſe they dwelling in a valley, the Sunne appeared not to them ſo ſoone as it did to others. Some againe continued the *Sabbath* longer than others, this was done by thoſe dwelling at *Tſepphore*, a Citie placed vpon the top of a mountaine, ſo that the Sunne ſhined longer to them, than it did to others; thus both of theſe did *Addere de profano ad ſacrum*;

[i] Hoſpinian. de Origine feſt. cap. 3.

Adde somewhat of the working-day, immediately going before, or immediately following after: none diminished of the *Sabbath*. [k] Hence *R. Iose* wished that his portion might be with those that began the Sabbath with those of Tyberias, and it ended with those of Tsepphore.

[k] Buxtorf Comment. Masoret. c. 4. ex Musar.

2. God said, To morrow is the rest of the holy *Sabbath* vnto the *Lord*, bake that ye will bake, and seethe that yee will seethe, *Exod.* 16. 23. This command was proper to the time of *Manna*, the reason is there alleaged, why they should prepare that day for the morrow, because vpon the *Sabbath* day they should not finde it in the field. The *Iewes* extend this command to all ages, and therefore they dressed no meat this day; this haply was the reason, that the *Heathen* people thought they [m] fasted on the *Sabbath*; though I deny not but this errour might be occasioned in part from that phrase, *Ieiuno bis in Sabbato.*

[l] Ian. & Trevet. in Exod. 16.

[m] Sueton. August. c. 76. de ieiun. sabbat. Vid. Martial. l. 4. Epig. 4.

3. God said, Ye shall kindle no fire thorow out your habitations on the *Sabbath* day, *Exod.* 35. 3. This commandement was onely concerning fire for the furtherance of the worke of the Tabernacle, [n] for therefore is the *Sabbath* mentioned in that *Chapter*, to shew that the worke of the *Tabernacle* ought to give place to the *Sabbath*. The *Iewes* hence gather that it is vnlawfull to kindle any fire at all on this day.

[n] Vatablus in hunc locum Item Tremel. & Iunius.

4. God said, In it thou shalt doe no manner of worke. This the *Iewes* vnderstood without any manner of exception. [o] Hence they held it vnlawfull, to *rost an apple, to tuebe an herb, to climbe a tree, to kill or catch a flea*. Hence they thought it vnlawfull,

[o] Hospinian. de Orig. fest. c. de Sabbato.

to

to defend themselues being assaulted by their enemies on the *Sabbath* day, by this meanes twice they became a prey vnto the enemy.[p] First, vnto *Antiochus*, whereupon *Mattathias* made a decree, that it should be lawfull vpon the *Sabbath* to resist their enemies, which decree againe they vnderstanding strictly, as if it did onely giue leaue to resist, when they were actually assaulted, and not by any labour that day to preuent the enemies raising of Rams, setling of engines, vnderminings, &c. they became a prey the second time to *Pompey*. For the right vnderstanding therefore of this command, we are to know that three sorts of seruile workes were allowed.

[p] *Ioseph lib. 12. c. 8.*

[q] *Ioseph. l. 14. c. 8.*

1. *Works of charity: God*, that allowed them to lead their Oxe and Asse to water on the *Sabbath*, *Luke* 13. 15. to make their liues more comfortable, much more allowed man liberty to dresse conuenient food for himselfe and his family, that they might the more comfortably performe holy duties. *Christ* healed on the *Sabbath*; therefore visiting the sicke, and the vse of the *Physitian*, was both then and now lawfull.

2. *Workes directly tending to Gods worship*, not only killing of sacrifices, and circumcising of children on that day was allowed, but the *Priests* might lawfully blow their trumpets and hornes on the *Sabbath* day, for the assembling of the people, *Numb.* 10. 2. And the people might warrantably goe from their houses, to the place of Gods publique worship. By proportion it is now warrantable for *Christians*, to ring bels to assemble the people together on the Lords day, and to take iourneyes

to ioine with the publike congregation, or to preach the Word. Of these we may say, though they are in their owne natures bodily labours, yet the Temple which was sanctified did change the nature of them, and make them holy, *Matthew* 23. 17. Or as the *Iewes* say concerning the ouerthrow of *Ierico*, which according to their writings fell on the *Sabbath* day: [r] *Hee which commanded the Sabbath to be sanctified, commanded it also to bee prophaned.*

מי שצוה על השבת צוה לחלל שבת.

[r] *R. D. Kimbi in Iosh. 6.*

3. *Workes of absolute necessity*, as the defending ones selfe against his enemy, and others of like nature: concerning which the *Iewes* haue a saying, [s] *Perill of life driues away the Sabbath.* And the *Christians* with a little change of a more common prouerbe say, *Necessitas non habet ferias*; *Necessity hath no holidayes.*

סכנות נפש דוחה שבת.

Chap. IV.

Of their Passeouer, and their Feast of vnleauened bread.

SOme of the *Fathers* haue deriued the word [a] *Pascha*, from a *Greeke* verbe signifying to suffer, because the sufferings and *Passion* of our *Sauiour* are celebrated about that time. [b] This opinion *Augustine* iustly confuteth, for the word is originally an *Hebrew* word signifying to *passe by, to leape, or passe ouer.* The *Etymology is Gods* owne. It is the sacrifice of the *Lords Passeouer*, which *passed ouer*, &c. *Exod.* 12. 27.

[a] *Tertullian. adu. Iudaic. cap. 10. 11. Ambrosi. lib. de Myster. Pasch. cap. 1.*
[b] *Augustin. in Inscr. Psal. 68.*

The word *Passeouer* in Scripture hath three acceptions.

ceptions. First, it is taken for that yearely solemnity, which was celebrated vpon the * fourteenth day of *Nisan*, otherwise called *Abib*; you may call it the *Passeouer of the Lambe*, because on that day toward the euening, the *Israelites* were commanded according to their families to roste a *Lambe*, and eet it in their priuate houses. Secondly, it signifieth that yearly Festiuity which was celebrated on the fifteeneth of *Nisan*, it may be called the *Passeouer of sheepe and Bullockes*, *Deut.* 16. 2. Otherwise we may call it the *Feast of the Passeouer*; as the fourteenth of *Nisan*, was called simply the *Passeouer*. In the *fourteenth* day of the first moneth, is the *Passeouer* of the *Lord*, and in the *fifteenth* day of this moneth, is *the Feast*, *Numb.* 28. 16, 17. Toward this *Feast* we are to vnderstand that *Iosiah* gaue vnto the people such a multitude of sheepe, Lambes, Kids, and Bullockes. Thirdly, it is taken for the whole solemnity, beginning the *fourteenth* of *Nisan*, and ending the one and twentieth of the same moneth. Now the *Feast of vnleauened bread drew nigh, which is called the passeouer*, *Luke* 22. 1. So that in this acception it contained the *Feast of vnleauened bread* also, notwithstanding, in proper speaking, the *Feast of vnleauened bread*, was a distinct *Feast* from the *Passeouer*.

* E. Theologi non pauci, omnia quae ad 14^um^ mensem pertinent 15^o attribuunt; quem errorem hauserunt ex turbidis Rabbinorum lacunis, qui hodie eundem errorem errant, teste Scaligero de emend. Temp. l. 6. p. 370.

First, the *Passeouer* was to be kept on the *fourteenth day of the first moneth, at Euen*: This was their second Sacrament, in which although they were enioyned to eat vnleauened bread with the Lambe, yet the *Feast of vnleauened bread* began not till the morrow following, being the *fifteenth day of the same moneth*, and lasted seuen dayes, of which

onely the first and last were holy conuocations, wherein they might do no seruile worke, *Leuit.* 23. 5,6,7,8.

Secondly, the *Passeouer* in the age following its first institution, might not bee killed and eaten in any other place, saue only where the *Lord* did chuse to place his name, which afterward was at *Ierusalem*: but the *feast of vnleauened bread*, the *Hebrewes* thought themselues bound to keepe in euery place wheresoeuer they dwelt, if they could not bee at *Ierusalem*: and [d] *eating of it*, they say, *depended not vpon the eating of the Passeouer, but it was a commandement by it selfe.*

[d] לא תלה אבילה זר בקרבן הפסח אלא זר מצוה עצמה

Maimon. de fermento & Azym. cap. 6 §. 1.

The *Rites* and *Ceremonies* obserued by the *Iewes* in the eating of this Sacrament their *Paschal Lamb*, agreed with those generall ceremonies vsed in their solemne Feasts. They *blessed the cup*, and *blessed the bread*, and *diuided* amongst the guests, and *washed the feet* of those that sate at the table, as is shewen in the Chapter of *Feasts*. The particulars in which it differed from other *Feasts*, are deliuered in those interrogatories, or questions proposed in way of *Catechisme*, by some child at the time of eating their *Passeouer*, or rather in the answer made vnto the child by him that blessed the table. The question was thus, What meaneth this seruice? The forme of the answer was, [e] How different is this night from all other nights? for all other nights wee wash but once, in this twice; (thus *Christ* when Supper was ended, washed his Disciples feet) in all other nights wee eat either leauened or vnleauened bread, in this onely vnleauened; in other nights, we eat any sort of herbs, in this night bitter herbs: in all

[e] *Scalig. de emend. Temp. l. 5 p. 270.*

all other nights we eat and drinke either sitting or lying, but in this we lye along. Then he proceedeth to declare, that the *Passeouer* was in respect that the *Lord passed ouer* the houses of their fathers in *Ægypt*. Secondly, he held vp the bitter herbs in his hand and said, These bitter herbs which we eat, are in respect that the *Ægyptians* made the liues of our *Fathers bitter* in *Ægypt*. Thirdly, he held vp the vnleauened bread in his hand, and said, This vnleauened bread which we eat, is in respect that the dough of our Fathers had not time to be leauened, when the Lord appeared vnto them, and redeemed them out of the hand of the enemy. This kinde of *Catechising* they say is commanded, *Exod.* 12. 26. They called it הגדה *Haggada*, (i.) *Annunciatio*, the *declaration* or *shewing forth* of the *Passeouer*. Hence the *Apostle* borroweth his phrase; As often as ye shall eat this bread, and drinke this cup, yee shall *declare*, or *shew forth*, the *Lords* death, 1 *Corinth.* 11. 26.

Concerning this Lambe they are charged thus, Vpon the tenth of *Abib* euery one shall take a Lambe for an house, a male of the first yeare, without blemish, and this he kept vntill the fourteenth day of the same moneth, *Exod.* 12. 3. &c. *The Lamb:* it was either of *sheep*, or *goats*. *For an house:* the whole body of the *Israelites* was diuided into twelue *tribes*, the *tribes* into *families*, the *families* into *houses*; if the *house* were too few for the eating of the *Lamb*, then the next neighbour ioyned with them in the eating thereof. The whole company was termed συναξις, in the same sense *Saint Marke* vseth συνεδρια, and σχισμα, *Marke* the sixth. All these words signifie a *so-*

ciety,

ciety, or *company of guests, so many as can sit at the same table*: the latter word properly signifieth, a *bed in a garden*, and thus in the *Gospell*, the whole multitude sitting on the grasse, seeme to be compared vnto a *Garden*, and their seuerall *societies* or *companies*, vnto so many *beds in the garden*. The number of communicants in this *Paschall society* [f] was neuer lesse than ten, nor more than twenty. It followeth in the text, *A male*, to note the masculine and peirlesse vertue of our *Sauiour*, whom it did typically shadow forth. [g] *Of the first yeare*; which phrase they interpret thus, That the Lambe, after it was eight dayes old and forward, was allowable to be offered for the *Passeouer*, but not before; because it is said, *When a Bullocke, or a Sheepe, or a Goat is brought forth, then it shall bee seuen dayes vnder the damme, and from the eighth day and thenceforth, it shall bee accepted for an offering made by fire vnto the Lord*, Leuit. 22.27. And the reason of this Law, some of the *Hebreues* haue thought to be, [h] because in their opinion nothing in the world was absolutely perfect, vntill a *Sabbath* had past ouer it: Moreouer, if it were an houre elder than a yeere, it was vnlawfull, because it is said, *A male of the first yeare. Without blemish*, as well to admonish the *Israelites*, of their owne personall integrity, as to signifie the absolute perfection of him who was in truth the *Lambe of God*. And this he kept till the *fourteenth day of the same moneth*. The *Rabbines* [i] affirme foure causes of this: *First*, because otherwise through the multitude of businesses, at the time of their departure, they might forget the *Paschall Lamb*: *Secondly*, that in this foure dayes space they might haue the more

[f] Ioseph. de bello Iud. lib. 7. c. 17.

[g] Hebraicè בן שנה Filium anni. Sunt qui distinguunt inter Filium anni & Filii anni sui, Filium anni interpretantur, qui annum vnum agit, nec minor, nec maior. Filium vero anni sui, qui est in anno primo, licet cum nondum absoluerit. Sed Aben Ezra negat absque Cabala posse sciri quis sit filius anni sui, nam sciri potest, inquit, vt sit Vau addititium siue paragogicum, quale in חיתו & similibus.

[h] Vid. Munster. ad Leuit 22.

[i] Hospinian. de Orig. fest. cap. 5.

more certaine knowledge of the Lambs perfection. *Thirdly*, that by beholding the Lamb ſo long before their eyes, they might haue the better occaſion in that ſpace, both to recount with themſelues *Gods* mercy in their deliuerance from *Egypt*, and alſo to inſtruct and *Catechiſe* their children in that point: for which reſpect, it was a receiued tradition amongſt the Iews, that during the ſpace of theſe foure daies, the Lambe was tied to their bed-poſts. *Laſtly*, that in this time of preparation, they might throughly fit and addreſſe themſelues for the oblation.

The time when the *Paſchall Lambe* was to be ſlaine, was at the *Euening*, *Exod.* 12. 6. or as the originall reads, *betweene the two euenings*. Here *Diuines* moue the queſtion, what part of the day ſhould be vnderſtood by this phraſe. Some diſtinguiſh the *two Euenings* thus; That there was [k] *Veſpera Solis*, the *Euening of the Sunne*, namely, when the body of the Sun ſetteth, And *Veſpera luminis*, the *Euening of the light*, when the beames and ſhining of the *Sunne* is alſo gone from off the earth: The ſpace or interim betweene theſe *two Euenings*, is thought to be one houre, and the third part of an houre; in which ſpace of time, they ſay, the *Paſchall Lamb* was ſlain.

[k] *Aben Ezra Exod.* 12.

[l] Others admit a greater latitude, and diſtinguiſh thus; There is, ſay they, *Veſpera declinationis*, the *Euening of the Sunne declining*; and *Veſpera occaſus*, the *Euening of the Sunne ſetting*; and their meaning is, that the *Paſſeouer* was offered in this inter-mediate time, betweene noone and night. This latter anſwer ſeemeth moſt agreable to the truth. *Firſt*, becauſe by this ſpeech we muſt vnderſtand a latitude of time, wherein might be offered not only the *Paſſeouer*,

[l] *R. Dauid in radic. Hoc etiam colligi poteſt ex Philo Abrah. cap. 3.*

but the *daily Euening sacrifice* also, for euen that likewise was commanded, *Inter duas Vesperas, Betweene the two Euenings, Numb.* 28.4. Now this might be offered in the former part of the afternoone. [m] The manner of their sacrificing in regard of this time we finde thus registred, if we count the houres according to our vsuall computation; the *daily sacrifice of the Euening Lambe*, was vsually *slaine* betweene two and three, it was *offered* betweene three and foure: vpon the *Passeouer-eue* it was slaine betweene one and two, it was *offered* about halfe an houre before three: But if their *Passeouer-eue* hapned to be the same with their *Sabbath-eue*, then the *daily Euening sacrifice* was *slaine* betweene twelue and one, it was *offered* halfe an houre before two, and afterward the *Passeouer*. Secondly, this agreeth with the oblation of the true *Paschall Lamb*, for as the time of his crucifying began in the third houre of the day, with the *daily morning sacrifice, Mark.* 15.25. So it ended at the ninth houre, *Mark.* 15.34. which was the time of their ordinary euening sacrifice; but vpon their *Passeouer-eue* it was the time when their *Paschall Lambe was slaine.*

[m] Talmud tract. de paschate cap. 5. in initio.

Furthermore, the *Lamb was to be eaten with bitter herbs:* the reason of this command, is, that thereby they might be moued to thankfulnesse towards *God*, for their deliuerance from the *Egyptian bondage*, in which their liues were made bitter vnto them, *Exod.* 1.14.

These *bitter herbs* they did dip in a certaine sauce thicke like mustard, called *Charoseth*, [o] which thicke sauce (say they) was a memoriall of the *clay*, wherein they wrought in *Egypt*. [p] This is thought

[o] חרוסת. [n] Moses Kotsensis fol. 118. [p] Scaliger. de emend. temp. lib. 6. p. 771.

of

of some to be that, wherein *Christ* dipped the sop, which he gaue to *Iudas*. Of this sauce the *Hebrewes* write thus; [p] They vsed to dip the vnleauened bread in that sauce *Charoseth*, and to eat, then they dipped the bitter herbs in the *Charoseth*, and did eat them. [q] It was made of the palme tree branches, or of dry figs, or of raysens, which they stamped and put vineger thereto, and seasoned it, and made it like *clay*, and brought it vnto the table in the night of the *Passeouer*.

[p] *Maimon. de fermento. c. 8. §. 7.*

[q] *Maimon. in* חמוץ ומצה *c. 7. §. 11.*

The other seuen dayes following the fourteenth of *Nisan*, were in strictnesse of speech, a distinct Feast, as is aboue shewed, namely, the *Feast of vnleauened bread*, because in that space of time, [r] no leauened bread ought to be found in their houses. [s] Their degrees of *preparation to this feast* are foure. 1. *Expurgatio fermenti*, the *cleansing* of all their houshold stuffe and vessels vnto which leauen might haply cleaue; and this was done two or three dayes before the *Passeouer*. 2. *Inquisitio fermenti*, the *searching after leauen* thorowout all the roomes of their houses euen to the mouse-holes: this they did with a waxen candle, and as *Buxtorfius* noteth, vpon the night before the *Passeouer*; and * *Scaliger* deliuereth it in other words to the same purpose, namely, that this search was made, *Ineunte quartadecima vsque ad quartam horam post ortum Solis*, (i.) *At the beginning of the fourteenth day vntill the fourth houre after the rising of the Sunne*. Now the beginning of the fourteenth day was the night going before, for the *Iewes* in the computation of their Holy-dayes, counted their day from euen to euen. 3. There was *Exterminatio*, or *Conflagratio fermenti*, *A burning of the leauen*,

[r] *Huius moris vestigia quaedam sunt reperta in Roman. Flamine Dialis. A. Gell. noct. Attic. lib. 10. cap. 15.*

[s] *Buxtorf. Synagog. Iudaic. cap. 12. pag. 317.*

* *Scalig. de emend. temp. in prolegom.*

uen, and this was done from the fourth of the sixth houre, about dinner-time; at which time followed the last degree, which *Scaliger* hath omitted, namely, *Execratio fermenti*, the *cursing of the leauen*, in this forme: [t] *Let all that leauen, or whatsoeuer leauened thing is in my power, whether it were seene of me, or not seene, whether cleansed by me, or not cleansed, let all that be scattered, destroyed, and accounted as the dust of the earth.*

[t] Buxtorf. Synagog. cap. 12. pag. 325.

In case any did eat vnleauened bread those seuen dayes, the penalty was, that such a soule should be *cut off from Israel*, *Exodus* 12. 15. Which penalty hath amongst Expositors a [u] threefold interpretation. Some vnderstand thereby such a man to be *cut off from his heauenly inheritance*: others, that *God* would *cut off such from the liuing by an vntimely death*: Others, that he should *dye without children*, leauing no posterity behinde him: to this purpose their prouerbe is, [x] *A man childlesse is liftlesse.*

[u] Vid P. Fagium Exod. 12

[x] Vid P. Fagium ibid.

Of these three the first is most probable in this place, though the same Text may admit the second interpretation in other places of Scripture, as is declared in the Chapter of Circumcision. Notwithstanding here let the iudicious Reader determine, whether these words doe not imply besides the secret actions of *God* touching the soule of such a delinquent, a direction vnto the Church, how to deale with parties thus offending, by censuring them with Excommunication, which kinde of censure elsewhere the Scripture calleth *A casting out of the Synagogue*, *John* 16. 2. A speech much like this, *A cutting off from Israel.*

There

Three things may be here demanded. First, who killed the *Paschall Lambe*? Secondly, where it was killed? Thirdly, where it was eaten? First, it was killed by the *Priests*, 2 *Chro.* 35. 6. Secondly, it was killed after the first time in the *Court of the Temple*, the place which *God* had chosen, *Deuteron.* 16. 6. Thirdly, The owner of the Lambe tooke it of the *Priest*, and did eat it in his owne house at *Ierusalem*. *Christ with his Disciples kept the Passeouer in an vpper chamber at Ierusalem.*

[1] *Maimon. in Korbanpesach. c. 1. § 6.*

It may further be demanded, whether the *Passeouer* consisted of two suppers, one immediatly succeeding the other? Some affirm it, and their reasons are these: *First*, say they, the *Passeouer* was eaten *standing*, but *Christ* vsed another gesture. This argument of all other is the weakest, for *Christ* vsed the gesture of lying on his body, as well in the eating of the *Passeouer*, as at the consecration of the *Sacrament*, and the *Iewes* generally after the first institution in all their *Passeouers*, vsed rather this posture of their body, than the other of standing, in token of rest and security, as appeareth in the *Chapter of Feasts*. Secondly, they say, *the Paschall Lambe*, was wont to be rosted, but in the last *Passeouer*, which our Sauiour celebrated, there was *Ius eui intingebatur panis*, *Broth into which hee dipped the bread.* This reason is as weak as the former, because though there was a command to eat the *Paschall Lambe rosted*, yet there was no prohibition to ioyne their ordinary supper with the eating thereof, and that might admit broth: but as it is shewen aboue, the matter into which the sop was dipped, was thought to bee the sauce *Charoseth*. Thirdly, they vrge,

Iohn 13. 2. That the first Supper was done, when *Christ* arose and washed his Disciples feet, and after that he gaue *Iudas* the Sop, which must argue a second sitting downe. This foretelling his *Disciples*, that one of them should betray him, is likewise by *Saint Luke* recited after the consecration of the *Sacrament*. This is the strongest argument, and yet not of sufficient validity, because by a kinde of *Prolepsis* or anticipation of time, it is not vnusuall in the Scripture to relate that first, which according to the truth of the History, should be last. Thus *Iohn* 11. mention is made of *Mary* which annointed the *Lord*, yet her annointing of him followeth in the next *Chapter*. And this same History of betraying *Christ*, *Saint Matthew*, and *Saint Marke* recited before the consecration of the Sacrament. Whence the *Iewes* haue a prouerbe, אין מוקדם ומאוחר בתורה *Non esse prius aut posterius in Scriptura*; That *first* and *last*, must not be strictly vrged in Scripture. Together with these answers, consider how improbable it is, that ten persons (for sometimes they were so few) should eat a second Supper, after they had eaten *A Lambe of the first yeere*, which might be an yeare old. It is euident also, by that of *Barabas*, that it was a receiued custome on the *Passeouer* to let loose and inlarge one prisoner or other. Concerning the reason hereof, the coniecture is threefold. Some thinke this custome to haue beene vsed in memory of *Ionathan* the son of *Saul*, when the people rescued him from the hands of his Father; Others say that the reason hereof was, that the feast might be celebrated with the greater ioy and gladnesse: Others more probably thinke, it was done in remembrance of their deliuerance

Salom. Iarchi in Gen. 6. 3.

liuerance from the *Ægyptian bondage*.

Againe, here is to be obserued, that the *Iewes* speaking of their *Passeouer*, did sometimes speake according to their *ciuill computation*, wherein they measured their dayes from *Sun-rising, to Sun-rising*; sometimes according to their *sacred computation*, which was from *Sun-set to Sun-set*. This serueth for the reconciliation of that, *Numb.* 12. 18. which seemeth to make the fourteenth day of the first moneth, the first day of vnleauened bread.[a] And *Ioseph.* telleth vs that they numbred *eight dayes* for that feast. In like manner the Disciples are said to come vnto *Christ* the *first day of vnleauened bread*, saying vnto him, Where wilt thou that we prepare for thee to eat the *Passeouer*, *Mat.* 26. 17. as if the *first day of vnleauened bread*, were before the *Passeouer*. All these are true according to the computation of their *ciuill dayes*, though according to the computation of their *Holy-dayes*, the *Feast of vnleauened bread* began the fifteenth day, and continued seuen dayes only, and the *Passeouer* was before the *Feast of vnleauened bread*.

[a] *Iosiph. Antiq. Lib. 2. cap. 5. pag. 63.*

In the last place we must know, that there was permitted a *second Passeouer* to those who could not be partakers of the *first*, by reason either of their vncleannesse by a dead body, or of their farre distance from the place where it was to be offered. This was to be obserued in the second moneth, the fourteenth day thereof, according to all the ordinances of the first *Passeouer*, *Numb.* 9. Touching that permission of a *second Passeouer*, to those that were in a iourney *farre off*: The *Hebrew* of this word *farre off*, hath extraordinary pricks ouer it, for speciall consideration.

Hereby,

Hereby the Lord might intimate that we Gentiles which were vncleane, even dead in treſpaſſes and ſinnes, and *farre off*, *Epheſ.* 2. 13. ſhould be made *nigh* by the bloud of *Chriſt*, and ſo partakers of him the *ſecond Paſſeouer*. Of this legall ordinance the *Hebrewes* ſay, [b] What is this iourney *farre off*? fifteene miles without the walls of *Ieruſalem*, who ſo is diſtant from *Ieruſalem*, on the fourteenth day of the the firſt moneth, fifteene miles or more, when the Sunne riſeth: loe, this is a iourney *farre off*; if leſſe than this, it is not a iourney *farre off*, for hee may come to *Ieruſalem* by after midday, though he go on foot, eaſily. The agreement betweene the *Paſchall Lambe* & *Chriſt* ſtandeth thus

[b] *Maimon. in Korban Peſach. cap. 5. §. 8, 9.*

Chriſt is our Paſſeouer, 1 *Cor.* 5.

The Paſchall Lamb was,	Chriſt was,
1 One of the flocke.	1 Perfect man, *Ioh.* 1.
2 Without blemiſh.	2 Without ſinne.
3 To bee ſacrificed and roſted.	3 Suffered and died.
4 His bones being not broken.	4 They brake not his legs legs, *Ioh.* 19. 33.
5 About the euening.	5 In the end of the world, *Heb.* 9. 26.
6 Their doore poſts were to be ſprinkled with the bloud.	6 The bloud of Chriſt purgeth our conſciences.
7 That the puniſhing Angell might paſſe ouer them.	7 That ſinne and death might not preuaile againſt vs.
8 It was eaten in their ſeuerall families.	8 Hee is applyed by faith.
9 The whole Lambe.	9 According to all the Articles of the Creed.
	10 Without

10 Without leauen.	10 Without hypocriſie, 1 *Cor.*5.
11 With bitter herbs.	11 With patience vnder the Croſſe.
12 In haſte, and in the manner of Trauellers.	12 With an earneſt and longing expectation of life eternall.
13 Only by the Circumciſed.	13 Only by the faithfull, 1 *Cor.*11.

CHAP. V.

Of their Pentecoſt.

THis Feaſt was called πεντηκοστὴ, the *Pentecoſt*; which word ſignifieth the *fiftieth day*; becauſe it was obſerued vpon the *fiftieth day after the ſecond of the Paſſeouer*, which was the 16. of *Niſan*. Here in the firſt place we muſt note, that the fourteenth of *Niſan* was τὸ πάσχα, the *Paſſeouer*, the fifteenth ἑορτὴ τῶν ἀζύμων, the *Feaſt of the Paſſeouer*, or [a] πρώτη τῶν ἀζύμων, the *firſt of the Paſſeouer*: the ſixteenth was δευτέρα τῶν ἀζύμων, the *ſecond of the Paſſeouer*, or the *morrow after the Paſſeouer*, *Leuit.*23.11. Which is all one, as if it had beene ſaid, the *morrow after the Feaſt of the Paſſeouer*; for in thoſe feaſts which conſiſted of many dayes, the *firſt* and the *laſt* were termed *Sabbaths*. Now theſe fifty dayes were in truth the appointed time of their haruеſt, their haruеſt being bounded, as it were, with two remarkeable dayes, the one being the *beginning*, the other the *end* thereof: the *beginning* was δευτέρα τῶν ἀζύμων, the *ſe-*

[a] Iosephus appellabat hunc diem, πρώτην τῶν ἀζύμων, Lib.3.c.11.

cond of the Passeouer; the *end* was πεντηκοστὴ, the *fiftieth day after*, called the *Pentecost*. Vpon the ἀπαρχὴ, then they offered a [b] *sheafe of the first fruits of their harueſt*, *Leuit.* 23. 10. Vpon the *Pentecost*, then they offered *two waue-loaues*, *Leuit.* 23. 17. the *ſheafe* being an oblation offered in the name of the whole Congregation, whereby all the after-fruits thorowout the Land were ſanctified, [c] it being from thence afterward lawfull, and not before, to reape the corne, the *two loaues* being not only an *Euchariſticall oblation*, but alſo a token of the harueſt finiſhed and ended. In the ſecond place we are to know, that they did count theſe fifty dayes, by numbring the *weekes* from the ἀπαρχὴ, whence it was called a *Feaſt of weeks* The manner how they counted the *weekes*, was according to the number of the *Sabbaths* following the ἀπαρχὴ. Thus the *firſt Sabbath* following, they called σάββατον δευτεροπρῶτον, the ſecond, δευτερόδευτον, the third, δευτεροτριτον, &c. So that [d] all the *weekes* and *Sabbaths*, during the time of the *Pentecoſt*, as the *firſt*, *ſecond*, *third*, and *fourth*, &c. tooke their denomination from the ἀπαρχὴ which obſeruation giueth light to that of *Saint Luke* 16. 1. where there is mention of a *Sabbath* termed δευτεροπρῶτον, that is, *the ſecond firſt Sabbath*, and by it is meant the *Sabbath next after the ſixteenth of Niſan*, which was the ἀπαρχὴ. Seeing that theſe *fifty dayes* did meaſure out the time of their harueſt, it will not be amiſſe to obſerue the difference betwixt their harueſt and ours, which chiefly conſiſted in their anticipation of time; for both the *Canaanites* and the *Ægyptians* began their harueſt about the [e] firſt of *Aprill*, and it was quite finiſhed in *May*.

[b] *Scalig. de emend. temp. lib. 6.*

[c] οὐ πρότερον λειτουργοῦσι δημοσίᾳ ἔξεστι πρότερον οὐδὲ θερίζειν, *Ioſeph. Antiq. lib. 3. cap. 10.*

[d] *Scalig. lib. 6 de emend. temp. pag. 260.*

[e] *Plin. lib. 18. cap. 18. Illud ipſud confirmat Leo Aſer teſtis ουτοπ]ης, Deſcript. Aſi. 4 lib. 8. cap. 4.*

CHAP.

CHAP. VI.

The Feast of Tabernacles.

THe [a] *Greeke* word vsed to expresse this festiuity, properly signifieth the *making of Tabernacles.* The [b] *Hebrew* word a *Feast of Tabernacles.* The reason of both is, because all the time of this *Feast*, which was full seuen dayes (from the fifteenth of *Tisri*, vntill the one & twentith thereof) the people remained in *Tabernacles* and *boothes* made of boughes, in manner of Arbours or Bowres, yet so, that that the first day of those seuen, and the last, were after a more speciall manner to be obserued as *holy conuocations*.

[a] *Iansen. Concord. cap. 73. Lient Collect. in Ioan 7. Σκηνοπηγία, non σκηνοφυλακία.*

[b] חג הסכות *Chag hasuccoth.*

Concerning these boothes, the *Iewes* write thus: [d] They ought to be made in the open aire, not within doores, or vnder the shelter of a tree, they ought not to be couered with cloaths; nor to be made too close with the thicknesse of the boughes, but with such holes that the Sunne and the starres might bee seene thorow them, and the raine likewise descended thorow them. In these they ought to dwell those seuen dayes, as in their houses; they ought to furnish them with houshold stuffe, to lay vnder them, and sleepe vnder them, only in rainy weather then they had liberty to eat and sleepe in their houses, vntill the raine was over-past. Feeble persons also, which could not endure the smel of the earth, were permitted to stay at home. In *Nehemiahs* time they made their boothes, some vpon the roofe of their houses (for their houses were

[d] *Munster. Leuit. 23.*

made flat aboue,) *Deut.* 22.8. Some in their courts, some in their streets, *Nehem.* 8.15.

Plutarch making mention of this festiuity, saith, that [e] these *boothes* were made principally of iuy boughs, but the Scripture reckoneth vp *foure distinct kinds*, *Leu.* 23.40. which are thought to be, 1. *The Citrine tree.* 2. *The Palme tree.* 3. *The Myrtle tree.* 4. *The Willow of the brooke.* [f] The *Rabbines* teach, that euery man brought euery morning his burden of the boughs of these foure trees, otherwise he fasted that day. And this burden they termed [g] *Hosanna:* in allusion vnto this the people cutting downe branches from the trees, and strewing them in the way when our *Sauiour* did ride into *Ierusalem*, cried, saying, *Hosanna* to the *Son of Dauid*, *Matth.* 21.9. *Plutarch* scoffing the *Iews*, compares this feast with that drunken festiuall in the honour of *Bacchus*, in which the *Bacchides* ran vp and down with certain iauelings in their hands, wrapped about with iuy, called θύρσοι, & in this respect he termeth this feast of the *Iews* θυρσοφορίαν, *A bearing about of these Thyrsi.* That feast which the *Athenians* terme Εἰραναῖα, was not much vnlike.

e *Plutarch. Sympos. 4 problem. 5.*

f *P. Pag. Leuit. 23.*

g *Elias Thisbin.*

Moreouer, on the next day after this feast, they compassed the altar [h] *seuen times* with Palme boughs in their hands, in the remembrance of the ouerthrow of *Iericho*: for which reason, or else because that Palme branches were the chiefe in the bundle, it was called *Dies Palmarum*, *Palme Feast.*

h *Hospinian. de orig. fest. cap. 7. It. Munst. in calendar. p. 150.*

Concerning the reason of this feast: Some are of opinion, that it was instituted in memory of that protection which the *Lord* vouchsafed the *Israelites* by the cloud, when they trauelled thorow the wildernesse, vnder the shadow of which they

trauelled

trauelled, as vnder a safe *booth or tent*. *Onkelos* in his *Chaldee Paraphrase*, seemeth to incline to this opinion. Where the *Hebrew* readeth; *That your posterity may know, that I haue made the children of Israel to dwell in boothes*, *Leuit.* 23. 43. The *Chaldee* rendreth it, *That your posterity may know, that I haue made the children of Israel to dwell* [i] *in the shadow of clouds.* [k] Others think it was instituted as a solemne thanksgiuing vnto *God* for their vintage, which was gathered in at that time of the yeare, thence is it that they conceiue those Psalmes of *Dauid*, which are intituled על הגתית *pro torcularibus*, to haue beene composed for this Feast. Others speake more probably, who assigne the cause to be in memory of their forefathers *dwelling in tents and tabernacles*; the text is cleare, *Leuit.* 23. 43.

[i] בסטלין עננין

[k] *Theophylact. Iohan. 7.*

The sacrifices which were offered these seuen dayes, are prescribed, *Numb.* 29. from the thirteenth verse to the thirty fourth, where we shall read euery day the like sacrifice, but onely with this difference, that vpon the first day they offered *thirteene* young bullockes, vpon the second *twelue*, vpon the third *eleuen*, and so forward, euer diminishing the number by one. [l] The reason of which diminution, the *Iewes* deliuer to be thus: the whole number of bullockes to be offered at this solemnity was *seuenty*, according to the languages of the *seuenty Nations*, (for whom, as they teach, these sacrifices were performed) signifying therby, that there would be a diminution of those Nations, vntill all things were brought vnder the gouernment of the *Messias*, who was the expectation and Hope of the *Gentiles*.

[l] *Hoshinian. de origin. huius fest.*

The two and twentieth of the moneth *Tisri*, was

in truth a distinct feast as appeareth, *Nehem.* 8. 18. but yet because this immediately followed the feast of *Tabernacles*, it hath beene alwayes counted the last day of that Feast. And not onely the *boughes*, but the [m] *dayes* of this whole feast of Tabernacles were termed *Hosannoth*, from the vsuall acclamations of the people, whiles they carried the *boughs* vp and downe. And this eighth day was called *Hosanna Rabba*, the *great Hosanna*, or the *great day of the feast*, *Iohn* 7.37. [n] Vpon this day they did reade the last Section of the Law, and likewise began the first, lest they might otherwise seeme more iovfull in ending their sections, than willing to begin them. [o] Vpon this day also, by the institution of the Prophet *Haggæus*, and *Zacharie*, and such like *Prophetical* men, they did with great solemnity and ioy, bring great store of water from the riuer *Shiloah* to the *Temple*, where it being deliuered vnto the *Priests*, it was powred vpon the Altar together with wine, and all the people sung that of the *Prophet*, *Es.* 12.3. *With ioy shall yee draw water out of the wels of saluation.* Our *Sauiour* is thought to haue alluded vnto this, in that speech which he vsed on this very day, *Ioh.* 7.38. *He that beleeueth in me, out of his belly shall flow riuers of waters of life.*

[m] *Talmud. tractat. de festo Tabernaculorum, cap.* חלל *Vid. Tremel. Ioh.* 7.37.

[n] *Buxtorf. in abbreuiatur. p.* 353.

[o] *Tremel. Ioh.* 7.37. [x] *Talmud.*

It is worth our noting also, that whereas God commāded the obseruation of this feast on the fifteenth of the seuenth month *Tisri*: *Ieroboam*, that he might worke in the people a forgetfulnesse of the true worship of *God*, appointeth the celebration of a feast in the eighth moneth on the fifteenth day thereof, [p] which is thought to be this very feast of *Tabernacles*.

[p] *Hospinian. de Orig. huius fest. p.* 24.

CHAP.

Chap. VII.

Of the Feast of Trumpets, and their New-Moones.

FOr the vnderstanding of the time when this Feast was to be observed, wee must note the moneth *Tisri* was the *seuenth moneth*, according to their *sacred Computation*, and therefore it is commanded to be celebrated the first day of the *seuenth moneth*, *Leuit.* 23. 24. But according to their *ciuill Computation* it was their *first moneth*, so that this feast may be termed their *New-yeeres day*.

The first day of every moneth had its solemnities. *First*, then they repaired to the *Prophets* for the hearing of the word as on other *Sabbaths*. Wherefore wilt thou goe to him to day? It is neither *new Moone* nor *Sabbath day*, 2 *King.* 4. 23. *Secondly*, it was then vnlawfull to buy and sell: When will the *new Moone* be gone that we may sell corne? *Amos* 8. 4: *Thirdly*, they had then special sacrifices ouer and aboue their daily sacrifices.

Notwithstanding, this feast of *Trumpets* differed from other *New Moones*. First in respect of their sacrifices; in their *ordinary New Moones*, they offered (besides the daily sacrifice) *two bullockes*, *one ram*, *seuen Lambs for burnt offerings*; with their meat and drinke offerings, and a *goat for a sinne offering*, *Num.* 28. 11. 15. But at this *New Moone* which was the beginning of their yeare, they offered all the foresaid sacrifices, and ouer and besides them, *one bullocke*,

locke, one ram, and seuen Lambes for burnt offerings, and a goat for a sinne offering, Num. 29. 1. 6 Secondly, in other new Moones they blowed no Trumpets: In this they blowed [a] from the Sunne-rising till night: Whence we learne what new Moone it is that Dauid speaketh of, Psalm. 81. 3. Blow the Trumpet in the new Moone, in the time appointed at our feast day.

[a] Sheindler. in voce שפר

The reason in generall of this blowing and great noise of Trumpets, I take to haue beene to make their New yeeres day the more remarkeable, because from it all their deeds and contracts bore date, and their Sabbaticall yeeres and Iubiles were counted thence: but why it should be made remarkable by the sound of Trumpets, or Cornets, there are three coniectures.

[b] P. Fag. Leuit. 23.

First; the [b] Hebrewes thinke it was done in memory of Isaak his deliuerance, and that they did therefore sound rams hornes, because a ram was sacrificed in stead of him. Secondly, [c] Basil is of opinion that the people were hereby put in minde of that day, wherein they receiued the Law in Mount Sinai with blowing of Trumpets. Thirdly, others think it was to put them in remembrance of the resurrection, which shall be with the sound of Trumpets, He shall send his Angels with a great sound of a Trumpet, Mat. 24. 31.

[c] Basil in Psal. 80.

[d] Scalig. de emend. temp. pag. 26. 11. pag. 105.

There are [d] three things considerable in New Moones. First, σύνοδος, the coniunction of the Moone with the Sunne. Secondly, ἐξαυγασμὸς, the waxing of the Moone. Thirdly, πρώτη φαινομένη, the prime of the Moone. In the first it was quite darke: in the second it did open it selfe to receiue the Sunne-beames: In the last it did appeare, corniculata, horned.

Because

Becauſe in all theſe three degrees of the change there was a kinde of mutuall participation both of the *old* and *new Moone*; [e] Hence the *Iewes* obſerue two dayes, namely, *the laſt of euery Moneth*, and the *firſt day of the next following*. Now becauſe the *thirtieth* was the *laſt in* their longeſt moneths; Hence *Horace* calleth theſe *Laſt dayes*, *Triceſima Sabbata*: The *firſt daies* they termed *Neomenias*, *new Moones*.

[e] *Hoſpin. de Orig. feſt. c. 4. p. 15. Eadem ratio tenet etiam in illis menſibus qui conſtant 29 diebus.*

For certaine reaſons the *Iewes* vſed a kinde of change or *tranſlation* of daies, which *tranſlation*, though it were of uſe in other moneths alſo, yet the greateſt care was had in tranſlating the beginning of their yeere, or their firſt day in their moneth *Tiſri*, and he that ſhall diligently calculate theſe changes, ſhall finde that all other *tranſlations* depended on this firſt.

Tranſlation of dayes was [f] threefold. *Firſt*, *Lunary*: *Secondly*, *Politicke*: *Thirdly*, *Mixt*.

[f] *Scalig. de emend. temp. l. 2. p. 85.*

The reaſon of *Lunary tranſlation*, was, that they might not obſerue the feaſt of the *New Moone*, vntill the old were quite ouer-paſt. For the vnderſtanding of this, note theſe three rules.

Firſt, the *Hebrewes* counted their holy daies from night to night, beginning at ſix of the clocke; ſo that from ſix of the clocke the firſt night, till the next noone, were iuſt eighteene houres.

Secondly, alwayes before the *new Moone*, there is a *coniunction* betweene the *Sunne* and the *Moone*, during this *coniunction* ſhe is called *Luna ſilens*, by reaſon of her darkneſſe, and all this time there is a participation of the *old Moone*.

Thirdly, when the coniunction was ouer-paſt before noone-tide, namely, in any of thoſe firſt 18.

houres, then the *new Moone* was celebrated the ſame day. [g] But if it continued but one minute after twelue of the clocke at noone, then the feaſt was *tranſlated* to the day following, becauſe otherwiſe they ſhould begin their holiday in time of the old Moone. And this tranſlation they noted with this abbreuiation יח, that is, 18. becauſe of thoſe 18. *houres* which occaſioned it.

[g] *Munſter. Calend. Heb. f. 46.*

The reaſon of *Politicke tranſlation*, was, that two *Sabbaths* or feaſt dayes might not immediatly follow each other, [h] becauſe, ſay they, it was vnlawfull thoſe two daies, to dreſſe meat, or bury the dead, and it was likewiſe inconuenient to keep meat dreſſed, or the dead vnburied two dayes. Yet here two exceptions muſt be remembred, when the meeting of two Sabbaths could not be auoided.

[h] *Munſter. Calend. p. 139.*

Firſt, when the *Paſſeouer*, or the fifteenth day of *Niſan* fell on *Saturday*, for then the *Pentecoſt* muſt needs fall on *Sunday*.

Secondly, when the *Paſſeouer* fell on *Sunday*, for then their *Paſſeouer* immediatly followed their *weekely Sabbath*.

The firſt [i] Author of this *Politike tranſlation*, was a certaine chiefe man amongſt them, named *Eleazar*, three hundred and fifty yeares before *Chriſt* his *Natiuity*.

[i] *Hoſpinian. de Origine. p. 6.*

The ſeuerall ſpecies or kinds of *Politike tranſlation* were fiue. The firſt, אדו *Adu*. The ſecond, בדו *Badu*. The third, גהז *Gahaz*. The fourth, זבד *Zabad*. The fifth. אגו *Agu*, For the vnderſtanding of theſe abbreuiatures, we muſt know that in theſe made words the letters only ſtand for numbers, and are applied to the ſeuen dayes of the weeke thus, א

1. *Sunday*.

1. *Sunday.* ב 2. *Munday.* ג 3. *Tuesday.* ד 4. *wednesday.* ה 5. *Thursday.* ו 6. *Friday.* ז 7. *Saturday:* which was the *Iewes Sabbath.*

Their rules touching *Politike translation* stood thus. [a] First, that neither their *New yeeres day*, which was the first of the moneth *Tisri*; neither their *Feast of Tabernacles*, which was the fifteenth day of the same moneth, should be celebrated on *Adu*, that is, on *Sunday*, or *Wednesday*, or *Friday*. Not on *Sunday*, or *Friday*, because then the *weekely Sabbath* must needs concur with it, either going immediatly before, or following after: not on *Wednesday*, because then the *Feast of Expiation*, which is the tenth of that moneth, would fall on *Friday*, the day going immediatly before their *weekely Sabbath*. This instance is only concerning the first of *Tisri*, which is called *the Feast of Trumpets*: but it holdeth also by way of consequence in the *fifteenth day*, which is the *Feast of Tabernacles*, because the fifteenth must alwayes necessarily be the same day of the weeke that the first is. Therefore if the first be not *Adu*, the fifteenth cannot be *Adu*. [a] *Adu.*

The [b] second rule, was, that the *Passeouer* should not be observed on *Badu*; that is, on *Munday*, *wednesday* or *Friday*. [b] *Badu.*

The [c] third rule is, that *Pentecost* was not observed on *Gahaz*; that is, on *Tuesday*, *Thursday*, or *Saturday*. [c] *Gahaz.*

The [d] fourth rule, is, that the *Feast of Purim*, or *casting lots*, was not observed on *Zabad*, that is, on *Munday*, *wednesday*, or *Saturday*. [d] *Zabad.*

The [e] fifth rule, is, that the *Feast of Expiation* [e] *Agu.*

was not obserued on *Agu*; that is, on *Sunday*, *Tuesday*, or *Friday*.

Mixt translation, is, when both the *Lunary* and the *Politicke* meet in the changing of daies. And the *Translation* occasioned by this mixture or meeting of both these two, is two-fold. First, *Simple*: And secondly, *Double*.

Simple translation, is, when the *Feast* is translated to the next day following. For examples sake; If the *Moone* changed after noone-tide on *Sunday*, here the *Feast* must be translated for two reasons: the first is *Lunary*, because the point of the change was after *eighteen houres*; the second, *Politicke*, because the rule *Adu* forbids *Sunday* to be kept; notwithstanding in as much as the very next day, namely *Munday*, was obserued; I terme this translation *simple*. Of this sort was that translation which they called *Batu takphat*.

Batu takphat. בטו תקפט [f] *Batu takphat*, is a word inuented for helpe of memory, each letter is a numerall, and may be thus resolued, ב טו תקפט 15. 589. The meaning is, that in the yeare following *Annum Embolymæum* (wherein one whole moneth was engrafted) if the point of the change hapned vpon the second day of the weeke, that is, *Munday*, not before the fifteenth houre and the 589. moment, the *Feast* of the *New Moone* was *translated vnto Tuesday*. How both the *Lunary* and the *Politicke* translation worke in this change, reade *Scaliger de emend. lib. 2. p. 87.*

Double translation, is, when the *Feast* is translated not to the next, but to some further day: as if the first day of the moneth *Tisri* should happen vpon *Saturday*,

turday, here if the Moone hath not ouer-past her coniunction before the after-noone, *Lunary translation* remoueth this *Feast* till *Sunday*, because of יח that is, the *eighteene houres*: *Politicke translation* remoueth it till *Munday*, as appeareth by the rule *Adu*, forbidding *Sunday*. Of this sort is *Gatrad*.

גטרד *Gatrad*, is a made word, each letter is a numerall, and it may be thus resolued, ג 3 ט 9 ר 200 ד 4. The meaning thereof is thus: In their common yeare (when an whole moneth is not inserted) if the point of the change happen vpon the *third day* of the weeke, that is, *Tuesday*, not before the ninth houre, and the 204. moment of an houre, then the *New Moone* shall be translated to *Thursday*.

Note in the last place, [k] that 1080. *moments* make an *houre*. [k] *Munster. Calend. pag. 45.*

The *Feast of Tabernacles* was obserued in the moneth *Tisri*, and therfore that could not be obserued the morrow after the *Sabbath*, as appeareth by the rule *Adu*. The *Passeouer* was obserued in the moneth *Nisan*, and therefore that might be obserued the morrow after the *Sabbath*, as appeareth by the rule *Badu*. If any aske the reason why the *Passeouer* might bee obserued the next day after the *Sabbath*, seeing the *Feast of Tabernacles* might not? I take it to be thus; All the *after translations* depended vpon the *first translation* of the *first new Moone in Tisri*, but that could not be so changed as to preuent all concurrence of two *Feasts*, and thus to haue their *Passeouer* sometimes to follow their *Sabbath*, they thought the most conuenientest ordering

dering of the yeere, because though not all meetings of two *Sabbaths*, yet most were hereby prevented.

This tract of translation of *Feasts*, it serueth partly to open the customes of the *Iewes*: partly to giue light for the vnderstanding of that great dispute among *Diuines*, whether our *Saviour* did anticipate the *Passeover*. The *Greek Church* [l] holds, that he kept a *Passeover* by himselfe with his *Disciples*, on the *thirteenth* day of the moneth, when *vnleauened bread* was not yet to be vsed; and thence they do both vse and vrge a necessity [m] of *leavened bread* in the *Lords Supper*: But this opinion we reiect, First, because it accordeth not with the truth of *Evangelical Historie*. Secondly, because it plainly maketh *Christ* to bee a transgressor, not a fulfiller of the Law. [n] Others say, that because that yeare their *Passeover* fell on *Friday*; hence the *Feast* was translated vnto *Saturday* by the rule *Badu*. Their inference is, that *Christ* kept the fourteenth day of the moneth, which was *Friday*, and the *Iewes* kept *Saturday*. He kept Gods command, they the *tradition of their Elders*. [o] Lastly, others more probably hold, that both *Christ* & the *Iewes* did eat the *Passeover* the same day and houre, namely on *Friday*, or the fourteenth day of the moneth, if we count the beginning of *Friday* according to the manner of the *Iewes*, from six a clock at night on *Thursday*. *Friday* morning he was iudged, and crucified; and in the after-noone, about three of the clock, when the *preparation of the Sabbath* began, he was buried. *There layed they Iesus, because of the Iewes preparation, Ioh.* 19.24.

For reconciling the *Euangelists* in this point we must

[l] *Epiph. l.* 2. *Tom.* 1. *cap.* 51 *pag.* 147.

[m] *Vsum fermentati panis in cœna Dominica Ecclesia Romana olim non damnauit. Casaubon. exercit.* 16. *p.* 465.

[n] *Munster. in Matth. cap.* 26.

[o] *Ioseph. Scalig. de emend. temp. lib.* 6. *pag.* 266.

muſt note theſe particulars, which are more at large proved in the *Chapter of the Paſſeover*. 1. The *fourteenth* day of the month, on which the *Paſchal Lamb* was eaten, was called the *firſt day of vnleauened bread*, the *Feaſt of vnleauened bread* drew neere, which is called the *Paſſeover*, *Luke* 22. 1.

The *fourteenth* day was not holy, but the fifteenth was. In the *Fourteenth* day of the firſt moneth is the *Paſſeover* of the Lord, and in the *fifteenth* day of this moneth is the *Feaſt*, *Numb.* 28. 16, 17. Some of them thought, becauſe *Iudas* had the bag, that *Ieſus* had ſaid vnto him, Buy thoſe things that we haue need of againſt the *Feaſt*, *Iohn* 13. 29.

The *ſheepe and Bullocks* offered vpon this day, are called the *Paſſeouer*, *Deut.* 16. 2. And of this we are to vnderſtand Saint *Iohn* 18. 28. They themſelues went not into the common hall, leſt they ſhould be defiled, but that they might eat the *Paſſeouer*. So that this eating of the *Paſſeouer* is not vnderſtood of the *Paſchall Lambe*. But ſome may queſtion how they ſhould haue beene defiled by entring into the common hall? The anſwer is, that vpon [p] *Holy day eues*, which they terme *dayes of preparation*, they held it vnlawfull for their *Iudges to ſit on life and death*. Hence it is, that they brought *Ieſus* to *Pilat* the *Roman Deputy*. *Secondly*, they with-drew themſelues out of the common hall. *Thirdly*, for this reaſon they ſaid, *It is not lawfull for vs to put any man to death*, *Ioh.* 18. 31. ¶ that is, vpon this, or ſuch like day; for though their high Court of *Sanedrim* were put downe at this time, yet all power in caſes of life and death was not taken from them, as is implied in the words following. It was that the

[p] אין רניזין דיני נפשות לא ערב שבת ולא ערב יום טוב.

Moſes ben Maimon. lib. vlt. Iad c. Sanedrin. §. 11.

¶ *Auguſt. tract. 114. In Ioann. Ita hunc locum exponunt etiam Cyrill. lib. 12. in Ioan. cap. 6 Chryſoſtom. hom. 82. in Ioan. Beda in cap. 18 Ioan.*

the word of *Iesus* might be fulfilled, which he spake, signifying what death he should die, *vers.* 32. Which text intimateth, that that vnlawfulnesse was vrged by the speciall prouidence of *God*, that he might be *crucified*, being iudged by *Pilat*: for if the *Iewes* had iudged, they vsed no such kinde of death towards malefactors. Againe, *Steuen* was condemned by them to be stoned, *Acts* 7. And they complained before *Felix*, that when they were about to proceed against *Paul* according to their owne law, the chiefe Captaine *Lysias* with violence tooke him out of their hands, *Acts* 24. Which argueth, that all power in causes capitall was not taken from them: But of this see the *Chapter of their capitall punishments*.

Chap. VIII.

The Feast of Expiation.

VPon the tenth day of the moneth *Tisri*, answering to *September* with vs, the *Feast of Expiation* was commanded to be celebrated, *Leuit.* 13. It was called the *feast of Expiation*, because the *High Priest* did then confesse vnto *God*, both his owne sinnes and the sinnes of the people, and by the performance of certaine rites and ceremonies expiate them, and make an attonement vnto *God* for them.

The *Ceremonies* at this time to be performed, concerned either the *people and the Priest*, or the *Priest alone*. These which concerned the *people and the Priest*,

Priest, consisted in the afflicting of their soules by *fasting*. Whence this feast was also called [a] *Dies ieiunij*; *the fasting day*, *Ier.* 36.6. Which serueth for the vnderstanding of that, *Acts* 27.9. *Sailing was now dangerous because the Feast was already past*; that is, the *Feast of Expiation* was now past, and winter was at hand.

[a] *Ioseph. de bello Iud. pag.* 43.

Those *Ceremonies* which concerned the *Priest alone*, were two; *First*, then the *High Priest* entred into the *Holiest of Holies*, which was peculiar vnto this day. *Secondly*, he being about to sacrifice for himselfe and his house, he tooke vnto him a *young Bullocke for a sinne offering*, *and a Ram for a burnt offering*, putting on his *Priestly* robes: after he had washed himselfe in water, he took of the Congregation *two he-goats for a sin-offering*, *and a Ram for a burnt-offering*. The *two he-goats* he presented before the *Lord* at the doore of the *Tabernacle*, casting lots which of them should be sacrificed, which let *scape aliue*. This last was termed the [b] *scape-goat*, because the other being slaine, this was sent *aliue* into the wildernesse. The Greeke Interpreters call this Goat ἀποπομπαῖον, *Malorum depulsorem*, *A defender from euils*; which name the Heathens applied to their *Tutelar Gods*. They intimated, that when this *Scape-goat* carried away the *sinnes* of the people into the Wildernesse, he likewise carried away all those *euills*, which belonged vnto those sinnes. And for the securing the people in this point, the *Lord* commanded the *High Priest* to confesse in the name of all the people, and to disburden the sinnes of the whole Congregation vpon the head of the *Scape-goat*. The forme of *Confession*,

[b] שעיר Gnezezal, ex ש Gnez capra, & עזאזל Azal, abijt. R. D. Kimchi, in radic.

according to the relation of the *Hebrew Doctors*,
[c] *P. Reg. Lenit. 16.* was this: [c] *O Lord, thy people, the house of Israel, they haue sinned, they haue done wickedly, they haue transgressed before thee, I beseech thee now, O Lord, pardon the sinnes, iniquities, and transgressions, with which the people, the house of Israel haue sinned, done wickedly, and transgressed before thee, as it is written in the Law of thy seruant Moses: That in that day hee shall make attonement for you, that hee might cleanse you, and that you might bee cleane from all your iniquities before the Lord.*

The *moderne Iewes* now (because there can be no proper sacrifice, the *Temple* of *Ierusalem* being destroyed) the men they take a *white cocke* on this day, the women an *hen*. [d] This *cocke* they swing three times about the *Priests* head, saying; *Gallus Gallinaceus hic commutatio erit pro me*; That is, *This cocke shall be a propitiation for me*. After that they kill the *cocke*, acknowledging themselues worthy of death; and then they cast the intrals vpon the top of the house, that some Rauen or Crow might carry both them, and together with them, their sinnes into the wildernesse. And lest they might seeme to bee mad without reason, they assigne the cause why they make choice of a *cocke*, at this time, to be this. This word * *Gebber* in the holy language signifieth a man, in their *Talmud* it signifieth a cocke. Now, say they, the iustice of *God* requires, that as *Gebber* sinned, so *Gebber* should make satisfaction. From this *feast of Expiation* it is probable, that the *Grecians* vsed an yearely *Expiation* of their Cities, which was performed on this manner: Certaine condemned persons were brought forth with garlands

[d] *Buxtorf. Synagog. cap. 10.*

* גבר

vpon

vpon their heads, in manner of sacrifices, these they would tumble from some steepe place into the sea, offering them vp to *Neptune*, [e] vsing this forme of words, περίψημα ἡμῶν γένοῦ, *Sis pro nobis peripsema:* As if he had said, *Be thou a reconciliation or propitiation for us.* The like kinde of expiation was vsed among them in time of any pestilence, or contagious infection; for the remouall of such diseases, they then sacrificed certaine men vnto their *Gods*, [*] such men they termed περιψήματα. These two words are vsed by the *Apostle*, 1 *Cor.* 4. 13. and they are translated *filth and off-scouring*: we are made as the *filth of the world, and as the off-scouring of all things.* The words signifie properly the *filth or dirt scraped off mens shooes*, or from the *pauement of the ground*: But in [f] *Budæus* his opinion, the *Apostle* had alluſion vnto those kindes of expiations in vse among the *Heathens.* As if hee had said: Wee are as despicable and as odious in the sight of the people, as much loaded with the reuilings and cursings of the multitude, as those condemned persons, who were offered vp by way of publique expiation.

Now seeing at this feast principally the *High Priest* was a *type* of *Christ*, it will not bee amisse to note the agreement betweene the *type* and the *truth.*

[e] *Suidas in voce* περίψημα.

[*] περιψήματα ἐλέγοντο οἱ ὑπὲρ κακῶν θύματος λυμῶνες, ἢ πυκὶς ἐπίσεσκεδασμένον τῶν ἀνθρώπων τῆς θεοῦς, *Vetus Scholiast. in Aristophan. Plut. pag. 48.*

[f] *Budæus annot. reliq. in Pandect. De pœnis, p. 334.*

Aaron.	Christ.
1. The *High Priest* went into the *Holiest of all*, *Levit.*16. 3.	1. *Christ* our *High Priest* went into the *Holy place*, namely, the heauens, *Hebr.*9.12.
2. He went once a yeare, *Exod.*30.10.	2. He entred once, *Hebr.* 9.12.
3. He with the bloud of goats and calues, *Heb.* 9.12.	3. He by his owne bloud, *Hebr.*9.12.
4. He alone, *Hebr.*9.	4. He alone hath trodden the wine-presse, *Isay* 63.3.
5. He cloathed with his Priestly robes, *Levit.* 16.4.	5. He ordained and sealed to this office, by his Father from all eternity.
6. He tooke two goats, *Levit.*16.	6. He tooke *two natures*: the *impassibility of his God-head* was shadowed by the *Scape-goat*: his *sufferings in his Man-hood*, by the *goat that was sacrificed*, *Theodoret. Quest.*12. *in Levit.*
7. The *goat* did beare the peoples iniquities.	7. *Christ* was made sinne for vs, 2 *Cor.*5.22.

CHAP.

Chap. IX.

The Sabbaticall yeare, or Seuenth yeares reſt.

As euery ſeuenth day was a *Sabbath day*, ſo euery ſeuenth yeare was a *Sabbaticall yeare*, *Leuit.* 25. And as the *Sabbath day* ſignified that they themſelues were the *Lords*, and therefore they abſtained from their owne worke to doe the *Lords*: So the *Sabbaticall yeare* was to ſignifie, that both they and their land was the *Lords*.

The obſeruation of this feaſt conſiſted chiefly in two things. *Firſt*, in the not tilling or manuring of their ground, whence it was called [a] *Schabath Haarets*, the *Sabbath of the Land*, *Leu.* 25. 6. *Secondly*, in the Creditors diſcharging their debtors, and releaſing their debts, and thence it was called [b] *Schemita laihona*, The *Lords releaſe*, *Deut.* 15. 2.

[a] שבת הארץ

[b] שמיטה ליהוה

Seeing they were that yeare forbid to till their ground, here queſtion might be made what they ſhould eat then in the time of this intermiſſion?

Anſw. *I will command my bleſſing vpon you in the ſixth yeare, and it ſhall bring forth fruit for three years*, *Leuit.* 25. 20, 21. ſaith the Lord.

Seeing euery ſeuenth yeare, debts according to Gods command were to be remitted, ſome might demand, whether this might not much endamage their eſtates if they did lend? or harden their hearts not to lend?

Anſw. It could not endamage their eſtates, for

it is a moſt infallible *Maxime: No man is a loſer by ſeruing God.* Whence the *Hebrewes* themſelues interpret this to be rather *Mandatum probationis, A command of triall,* ſuch as *Abrahams* offering vp of *Iſaak* was, which *God* commanded, not intending that he ſhould be ſacrificed, but that *Abrahams* loue might be tried; rather than *Mandatum obedientiæ, A command of obedience.* To this purpoſe ſpeaketh *Aben Eſra,* interpreting theſe words; *Saue when there ſhall bee no poore among you, Deut.* 15.4.

a *Aben Eſra, Deut.* 15.4.

[c] That is, ſaith he, as if the *Lord* had ſaid, *Know that that which I haue commanded thee, that thou ſhouldeſt not exact of thy brother, will be needleſſe. If all Iſrael, or the greater part obey the voice of God, then there ſhal be no poore amongſt you, to whom it ſhall be needfull for thee to lend: yea all of you ſhall be able to lend to many nations.*

The reaſons why this Feaſt was inſtituted, are thought to be, *Firſt,* to teach the people to depend vpon *Gods* prouidence by faith; for though the owner of the field might gather euen on that yeare for the maintenance of himſelfe and his family, *Leuit.* 25.6. yet he was neither to ſow his field, thereby to make his harueſt the greater; nor to hedge his field, or locke vp his corne-yard, thereby to enioy the propriety, but to let all be common, and euery mans hand equall in euery place. *Secondly,* they were hereby put in minde of that happy eſtate, which *Adam* enioyed in his innocency, when the earth brought forth her increaſe without manuring. *Laſtly,* it ſhadowed forth that *euerlaſting Sabbath* which we expect in the heauens. [d] And ſome coniecture this to be the ground of *Rabbi Elias* his opinion, [e] that the

d *Vid Hoſpinian. de orig. huius feſti.* e *Talmud in Sanedrin c Helec.*

world

world should continue for six thousand yeares; but the seuenth thousand should be the great Sabbaticall yeare. The six thousand yeares answered the six working-dayes of the weeke, the seuenth answered our Sabbath, according to that, A thousand yeares are but as one day with the Lord, 2 *Pet.* 3. 8. *Elias* his words are these; *Six thousand yeares the world shall be, and againe it shall bee destroyed:* [f] *Two thousand shall bee void, two thousand vnder the Law, and two thousand vnder the Messias.* The substance of this prophecy howsoeuer we reiect as too curious, yet seeing that a *Iew* spake it, it may serue to proue against them; First, That the *Messias* is already come: Secondly, That *Moses* his Law ceased at his comming.

[f] ב אלפי תוהו כ אלפי תורה ב אלפי ימות המשיח.

Duo millia inanitatis, duo millia dierum Messiæ. Talmad in Sanedrim. c. Helec.

Chap. X.

Of their Iubile.

THis is the last festiuall which *God* commanded the *Iewes*; it was celebrated euery *fiftieth yeare.* It is commanded, *Leuit.* 25. 8. Thou shalt number seuen *Sabbaths* of yeares vnto thee, *&c.* The *English* word *Iubile* is deriued from the *Hebrew* יובל *Iobel*, signifying a *ram*; it signifieth also a *rams horne.* Seuen *Priests* shall beare before the *Arke* seuen *Trumpets of rams hornes*, *Iosh.* 6. 4. where the word *Iobelim* is vsed, and is expounded by the *Chaldee Paraphrast*, *rams hornes.* *Marbachius* is of opinion, that this yeare was called their *Iubile*, [g] from *Iubal*, the first inuenter of musicall instruments, of whom we reade, *Gen.* 4. 21. *Iuball was the father*

[g] *Marbach in Leuit.* 25.

father of all such as handle the Harp and Organ. Other Authors deliuer other reasons of the name; but it is most probable that this yeare was termed the yeare of *Iubile*, from *Iobelim*, the *rams horns* then sounded. There were fiue maine vses of this Feast.

First, for the generall release of seruants. *Secondly*, for the restoring of lands and tenements vnto their first owners, who formerly sold them. *Thirdly*, hereby a true distinction of their Tribes was preserued, because lands returned vnto their owners in their proper Tribe, and seruants to their owne *Families*. *Fourthly*, Some are of opinion, that as the *Grecians* did compute their times by the number of *Olympiads*; the *Romans* by their *Lustra*; the *Christians* by their *Indictions:* So the *Iewes* by their *Iubile*. Lastly, it did mystically shadow forth that spiritual *Iubile*, which *Christians* enioy vnder *Christ*, by whose bloud we haue not onely a re-entry into the *Kingdome of heauen*, which we had formerly forfeited by our sinnes (and this was haply signified by the *Israelites* re-entry vpon their lands formerly sold) but also the *sound of the Gospell* which was in this Feast typed out vnto vs by the *noise of Trumpets*, is gone thorowout the world. And thus the *Lord God hath blowne the Trumpet*, as *Zacharies* phrase is, *Zachary 9. 14.* But neither this release of seruants, nor restoring of lands, was [e] vntill the tenth day of the first moneth *Tisri*, at which time it was proclaimed by the sound of Trumpets, or rams hornes; the nine first dayes of this moneth the seruants feasted and made merry, and wore garlands in token of their liberty approaching.

[d] *Hoffinian. de Orig. Sect. c. 9.*

[e] *Moses Ægyptius in Halacha Sabemita Veiobel. c. 10.*

CHAP.

Chap. XI.

The Feast of Purim and the Feast of Consecration or Dedication.

PVr is a *Persian* word, and signifieth a lot, whence this *Feast of lots* is called *Purim*, (i.) κληρωτὰ, *A lotery:* it began on the fourteenth of *Adar*, and continued till the end of the fifteenth, *Ester* 9. 21. It was instituted by *Mordecay*, in remembrance of the *Iewes* deliuery from *Haman*, before whom lots were cast day by day, and moneth by moneth, for the destruction of them. In these two dayes they reade the History of *Esther* in their *Synagogues*, and as often as they heare mention of *Haman*, [a] they doe with their fists and hammers beat vpon the benches and boords, as if they did knocke vpon *Hamans* head.

[a] *Hospinian. de fest. fol. 33. ex Antonio Margarita in lib. de ceremonijs Iudæorum.*

The *Feast of Dedication*, is termed in the *New Testament*, Ἐγκαίνια, [b] a *Feast* wherein something is renewed; because those things only are reputed consecrated, which are separated from their common vse, and dedicated to some *new* and holy vse. We shall reade of many things *consecrated* in the *old Testament*; The *Tabernacle*, the *Temple*, *Priests*, *Altars*, *Vessels*, and *Garments*: but there was no anniuersary or yearely solemnity appointed, to be obserued in remembrance of their *Consecration*. The *Consecration* therefore which we now speak of, being an yearely festiuall, was the *consecration of the Altar appointed by Iudas Maccabæus* to be obserued from yeare

[b] Ἐγκαίνια ἑορτὴ παρ' ἣν ἐκαινοποιοῦντο τὰ ἱερά. *Suidas.*

to yeare, for the ſpace of eight dayes, from the fiue and twentieth of the moneth *Caſlew*, which anſwereth in part to our *December*, 1 *Macab.* 4.59. Of this *Saint Iohn* ſpeaketh, and as he mentioneth our *Sauiours* preſence there, ſo he intimateth the time to be about *December*. *It was at Ieruſalem, the Feaſt of the Dedication, and it was winter, Iohn* 10.22, *&c.*

The reaſon of this Feaſt, was in remembrance of that great mercy which God ſhewed vnto his people, in deliuering them from the tyranny of *Antiochus*, and the *Idolatry* which he had forced vpon them, ſetting vp the *Idoll of Iupiter* in the *Temple of God*, and abolifhing the true worſhip of *God*.

Theſe two *Feaſts* are of *humane inſtitution*, and others might be added vnto them, but little is to be added or nothing at all to that which is deliuered concerning them, in the places

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* גבר

vpon



THE FOVRTH BOOKE.

Of their Idolatry.

CHAP. I.

The beginnings of Idolatry.

He infinite eſſe of God doth ſo farre

Now ſeeing at this feaſt principally the *High Prieſt* was a *type* of *Chriſt*, it will not bee amiſſe to note the agreement betweene the *type* and the *truth*.

Aaron.	Christ.
1. The *High Priest* went into the *Holiest of all*, *Levit.*16. 3.	1. *Christ* our *High Priest* went into the *Holy place*, namely, the heauens, *Hebr.*9.12.
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The obſeruation of this feaſt conſiſted chiefly in two things. *Firſt*, in the not tilling or manuring of their ground, whence it was called [a] *Schabath Haarets*, the *Sabbath of the Land*, *Leu.* 25. 6. שבת הארץ *Secondly*, in the Creditors diſcharging their debtors, and releaſing their debts, and thence it was called [b] *Schemita laihona*, The *Lords releaſe*, *Deut.* 15. 2. שמיטה ליהוה

Seeing they were that yeare forbid to till their ground, here queſtion might be made what they ſhould eat then in the time of this intermiſſion?

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d *Vid Hoſpinian. de orig. huius feſti.* e *Talmud in Sanedrin c Helec.*

world

world ſhould continue for ſix thouſand yeares; but the ſeuenth thouſand ſhould be the great Sabbaticall yeare. The ſix thouſand yeares anſwered the ſix working-dayes of the weeke, the ſeuenth anſwered our Sabbath, according to that, A thouſand yeares are but as one day with the Lord, 2 *Pet.* 3. 8. *Elias* his words are theſe; *Six thouſand yeares the world ſhall be, and againe it ſhall bee deſtroyed: f Two thouſand ſhall bee void, two thouſand vnder the Law, and two thouſand vnder the Meſſias.* The ſubſtance of this prophecy howſoeuer we reiect as too curious, yet ſeeing that a *Iew* ſpake it, it may ſerue to proue againſt them; Firſt, That the *Meſſias* is already come: Secondly, That *Moſes* his Law ceaſed at his comming.

f בּ אלפי תוהו בּ אלפי תורה בּ אלפי ימות המשיח.

Duo millia inanitatis, duo millia diebus Meſſiæ. Talmad in Sanchin. & Helec.

Chap. X.

Of their Iubile.

THis is the laſt feſtiuall which *God* commanded the *Iewes*; it was celebrated euery *fiftieth yeare.* It is commanded, *Leuit.* 25. 8. Thou ſhalt number ſeuen *Sabbaths* of yeares vnto thee, *&c.* The *Engliſh* word *Iubile* is deriued from the *Hebrew* יובל *Iobel*, ſignifying a *ram*; it ſignifieth alſo a *rams horne.* Seuen *Prieſts* ſhall beare before the *Arke* ſeuen *Trumpets of rams hornes*, *Ioſh.* 6. 4. where the word *Iobelim* is vſed, and is expounded by the *Chaldee Paraphraſt*, *rams hornes.* *Marbachius* is of opinion, that this yeare was called their *Iubile*, g from *Iubal*, the firſt inuenter of muſicall inſtruments, of whom we reade, *Gen.* 4. 21. *Iuball was the*

g *Marbach in Leuit.* 25.

father

father of all such as handle the Harp and Organ: Other Authors deliuer other reasons of the name; but it is most probable that this yeare was termed the yeare of *Iubile*, from *Iobelim*, the *rams horns* then sounded. There were fiue maine vses of this Feast.

First, for the generall release of seruants. *Secondly*, for the restoring of lands and tenements vnto their first owners, who formerly sold them. *Thirdly*, hereby a true distinction of their Tribes was preserued, because lands returned vnto their owners in their proper Tribe, and seruants to their owne *Families*. *Fourthly*, Some are of opinion, that as the *Grecians* did compute their times by the number of *Olympiads*; the *Romans* by their *Lustra*; the *Christians* by their *Indictions*: So the *Iewes* by their *Iubile*. Lastly, it did mystically shadow forth that spiritual *Iubile*, which *Christians* enioy vnder *Christ*, by whose bloud we haue not onely a re-entry into the *Kingdome of heauen*, which we had formerly forfeited by our sinnes (and this was haply signified by the *Israelites* re-entry vpon their lands formerly sold) but also the *sound of the Gospell* which was in this Feast typed out vnto vs by the *noise of Trumpets*, is gone thorowout the world. And thus the *Lord God hath blowne the Trumpet*, as *Zacharies* phrase is, *Zachary 9. 14.* But neither this release of seruants, nor restoring of lands, was [e] vntill the tenth day of the first moneth *Tisri*, at which time it was proclaimed by the sound of Trumpets, or rams hornes; the nine first dayes of this moneth the seruants feasted and made merry, and wore garlands in token of their liberty approaching.

[d] *Hoffinian. de Orig. fest. c. 9.*

[e] *Moses Ægyptius in Halacha Sabemita Veiobel. c. 10.*

CHAP.

Chap. XI.

The Feaſt of Purim and the Feaſt of Conſecration or Dedication.

Pvr is a *Perſian* word, and ſignifieth a lot, whence this *Feaſt of lots* is called *Purim*, (i.) κληρωτικὰ, *A lotery:* it began on the fourteenth of *Adar*, and continued till the end of the fifteenth, *Eſter* 9. 21. It was inſtituted by *Mordecay*, in remembrance of the *Iewes* deliuery from *Haman*, before whom lots were caſt day by day, and moneth by moneth, for the deſtruction of them. In theſe two dayes they reade the Hiſtory of *Eſther* in their *Synagogues*, and as often as they heare mention of *Haman*, [a] they doe with their fiſts and hammers beat vpon the benches and boords, as if they did knocke vpon *Hamans* head.

[a] *Hoſpinian. de feſt. fol. 33. ex Antonio Margarita in lib. de ceremonijs Iudæorum.*

The *Feaſt of Dedication*, is termed in the *New Teſtament*, Ἐγκαίνια, [b] a *Feaſt* wherein ſomething is renewed; becauſe thoſe things only are reputed conſecrated, which are ſeparated from their common vſe, and dedicated to ſome *new* and holy vſe. We ſhall reade of many things *conſecrated* in the *old Teſtament*, The *Tabernacle*, the *Temple*, *Prieſts*, *Altars*, *Veſſels*, and *Garments*: but there was no anniuerſary or yearely ſolemnity appointed, to be obſerued in remembrance of their *Conſecration*. The *Conſecration* therefore which we now ſpeak of, being an yearely feſtiuall, was the *conſecration of the Altar appointed by Iudas Maccabæus* to be obſerued from yeare

[b] Ἐγκαίνια ἑορτὴ παρ' ἡμῖν ἐγκαινισμὸν ἔχουσα. *Suidas.*

to yeare, for the ſpace of eight dayes, from the fiue and twentieth of the moneth *Caſlew*, which answereth in part to our *December*, 1 *Macab.* 4.59. Of this *Saint Iohn* ſpeaketh, and as he mentioneth our *Sauiours* preſence there, ſo he intimateth the time to be about *December*. *It was at Ieruſalem, the Feaſt of the Dedication, and it was winter, Iohn* 10.22, *&c.*

The reaſon of this Feaſt, was in remembrance of that great mercy which God ſhewed vnto his people, in deliuering them from the tyranny of *Antiochus*, and the *Idolatry* which he had forced vpon them, ſetting vp the *Idoll of Iupiter* in the *Temple of God*, and aboliſhing the true worſhip of *God*.

Theſe two *Feaſts* are of *humane inſtitution*, and others might be added vnto them, but little is to be added or nothing at all to that which is deliuered concerning them, in the places of Scripture where they are mentioned.

THE

THE FOVRTH BOOKE.

Of their Idolatry.

CHAP. I.

The beginnings of Idolatry.

THe infinitenesse of *Gods* Maiesty farre transcendeth the capacity of created natures, and if we consult not with *Gods* owne *Oracles*, though the sense of a *Deity* may be imprinted euen in an *Atheists* heart, yet so farre shall he be from all right vnderstanding of *God*, that he will adore the *creature* in stead of the *Creator*, and when he hath multiplied the number of his *gods*, according to the number of the starres in heauen, and creeping things on earth, yet still his heart will be doubtfull, whether he hath worshipped the true *God*, nay whether the true God be not vtterly vnknowne. For this reason the mariners in *Ionahs* ship cried euery man vnto his *god*, *Ionah* 1. 5. Euery man to his *owne god*, and lest they might all mistake the

true God, they awaken *Ionah* to call vpon *his God*. This [a] vncertainty attending *Idolatry*, caused the *Heathens* to close their petitions with that generall, *Dij deæque omnes*. [b] The *Arabians* perceiuing the vnsufficiency of their *knowne gods*, dedicated their Altars, *Ignoto Deo*, *To the vnknowne God*. At *Athens*, Saint *Paul* found an Altar with the same inscription, *Act.* 17. 23. Hence other neighbour countreyes were wont to sweare [c] *by him that was vnknowne at Athens*. From this doubt and distrust among the *Athenians*, what *God* was? and who hee was? sprang another vncertainty amongst them, as dangerous as the other, diuiding and sharing that vndiuidable vnity of the *God-head*, betweene I know not what compiers and equals, so that they had other Altars mentioning a plurality of gods: [d] the inscription being Θεῶν ἀγνώστων, *The Altar of the vnknowne Gods*; yea the compleat and intire inscription of that Altar which Saint *Paul* saw, is thought to haue beene thus, [e] *To the Gods of Asia, Europe, and Africa, to the vnknowne and strange God.* Which obseruation implieth their practice to haue symbolized with other *Heathens* in that forementioned closure; *Dij Deæque omnes*; *O all ye Gods and Goddesses helpe.* This distrust I thinke to be the chiefe reason why they worshipped the *vnknowne God*; though I deny not but the Altars might beare this title, to conceale the name of their *Tutelar God*, vnto whose protection they had committed themselues, [f] because the *Heathen* people generally conceited, that if the *gods* name, to whom they dedicated a City, were knowne, then the enemies might by some magicall incantation or charme,

[a] *Serg. in Georgic. lib. 1.*

[b] *Gyrald. Syntagm. 17.*

[c] Νὴ τὸν ἐν Ἀθήναις ἄγνωστον. *Lucian. in Philopatride.*

[d] *Pausanias in Attic.*

[e] Θεοῖς Ἀσίας, καὶ Εὐρώπης, καὶ Λιβύης, θεῷ ἀγνώστῳ καὶ ξένῳ. *Theophylact. in Act. Apost. 17. 23. Hieron. Tit. 1. 12.*

[f] *Alex. ab Alex. lib. 6. cap. 4. Tyraquel. in illum locum.*

charme, call him forth, and cause him to forsake the City: For the better preuenting of which manner of euocations, the *Tyrians*, the *Lacedemonians*, and other [g] Nations fettered and chained their *gods*, that they might not depart. Againe, it might be done in imitation of the *Iewes*, who about the time of our *Sauiour* his incarnation, held it vnlawfull to pronounce that essentiall name of *God*, *Iehouah*, and in stead thereof would reade *Adonai*. The occasion of this concealment of the name *Iehouah*, I take to haue beene originally, to preuent the blaspheming of that holy name among the *Heathens*, who had learned from that name to denominate their *Idols*, [h] *Ioue*, *Iaa*, *Iaoth*, *Iouia*, &c. Hence afterward the forbearing the name became superstitious, and so far preuailed, that they corrupted the text for the defence therof, *Exod.* 3. 15. This is my name לעלם *legnolam*, *for euer*: [i] they reade לעלם, *legnalam*, *to bee concealed*. Though I deny not but that name was alwayes in some sense ineffable: namely, as [k] *Pliny* saith, the names of the *African* people and Townes were ineffable, that is, such as other languages could not expresse without circumlocutions.

[g] *Macrob. Saturn. lib. 3. cap. 9.*

[h] *Vid Macrob. Satur. lib 1. cap. 18. Ireneum, lib 2. cap. vlt. Item Orig. contra Celf. l. 6. fol. 76. col. 3.*

[i] *Vid P. Galatin. lib. 2. cap. 10.*

[k] *Plin. in Proem. lib. 5. Hist. Natur.*

As those forementioned *Idolatrous* names, were nothing else but so many deprauations of the name *Iehoua*: so the Originall of many other ensuing kindes of *Idolatry*, proceeded at first from a misconstruction of Scripture. They hauing learned by tradition, that the Sunne, Moone, and Starres, had a kinde of Lordship and rule ouer day and night, times and seasons: Hence the superstitious ignorance of those people deified those lights

of Heauen, and worshipt them as *gods*. Afterward corruption preuailing, their *Apotheosis*, or *god-making Ceremonies*, were extended to sublunary creatures, partly as *Symbola*, or representatiue signes of those greater and more glorious lights; for this reason the *Chaldeans* worshipt *Fire*: אור and *Vr* of the *Chaldeans*, mentioned Gen. 11. which signifieth *fire* or *light*, is thought to be the very *god* of the *Chaldeans*, though in that place the name *Vr*, be applied to some chiefe City, from the name of the Idoll. Yea, the *god of Nabor*, Gen. 31. 53. is thought tobe no other; partly also the inferiour creatures were canonized for *gods*, in way of thankfulnesse for the benefits receiued from them, for which reason the *sea*, the *winds*, the *aire*, the *earth*, and *fruits* of the earth *became deified*. At last, *well-deserving men*, nay *Crocodiles*, *Serpents*, *Rats*, *Cats*, *Dogs*, *Garlicke*, and *Onions*, were reputed *gods*.

Chap. II.

Of Moloch, Adram-Melech, Anam-Melech, Baal, The Tabernacle of Molech, Chiun, Remphan, Horses consecrated to the Sunne, Thamuz.

Of the *Idoll Moloch* wee read in diuers places of Scripture, 1 *King.* 11. 2 *King.* 23. 10. *Leuit.* 18. 21. He is sometimes called *Moloch*, sometimes *Molech*, sometimes *Milcom*. He was the reputed *god*, not only of the *Ammonites*, but of the [a] *Moabites* also. He had his name from מלך *Malac*,

[a] *Lorinus in Act. 7. ex Oecumen.*

Malac, signifying to rule or reigne. The seuenty *Elders* translate him, ἄρχοντα βασιλέα, a *Prince*, or *King*. Such *King-Idols* were *Adram-Melech*, and *Anam-Melech*, the *gods of Shepherwaim*, vnto whom that people burnt their children in fire.

I take *Moloch* and *Baal* to be one and the same *Idoll*, they were both names of supremacy and rule; בעל *Baal* signifieth a *Lord or Master*. And מלך *Melech*, a *King* or *Prince*. They had both the same manner of sacrifice, they burnt their sonnes for burnt offerings vnto *Baal* likewise, *Ierem.* 19. 5. yea they built the high places of *Baal*, which are in the valley of *Benhinnom*, to cause their sonnes and their daughters to passe thorow the fire vnto *Moloch*, *Ierem.* 32. 35. In which text the place of sacrifice is noted to be one and the same, common to both Idols, and *Melech* put in the end of the verse, to explaine *Baal*, in the beginning thereof.

Some thinke them to be different, because the [b] *Planet Iupiter* was worshipped vnder the name of *Baal*; but the *Planet Saturne* is probably thought to haue beene worshipped vnder the name of *Moloch*. If we diligently obserue histories, we shall finde such a *confusion of the Planets*, that the *Sunne*, as it was sometimes called *Baal*, sometimes *Moloch*: so it was sometimes called [c] *Iupiter*, sometimes [d] *Saturne*; and concerning *Baal*, this is euident: hence *Iupiter* was called by the *Phœnicians*, *Baal-samen*, which name is deriued from the *Hebrew*, and soundeth as much as *Iupiter Olympicus*, *the Lord of heauen*: For *Baal* signifieth *Lord*, and *Shamaim*, *Heauen*. And what is this *Lord of Heauen* in the theology of the *Heathens*, other than the *Sunne*? who may

[b] *Augustin. super Iudic. qu. 26. Vide Iu Eusebium de præp. lib. 1. cap. 9.*

[c] *Plato apud Macrob. Satur. lib. 1. cap. 23. vbi mendosè citatur è Timæo Platonis, quod est in Phædro.*

[d] *Assyrios Saturnum (quem & Solem dicunt) Iunonemque coluisse constat. Seruius in Æn. id. 1.*

as well be ſtiled the *King of Heauen*, as the *Moone* the *Queene*. Yea *Sanchoniatho*, as *Euſebius* in the fore-quoted place relates him, taketh all theſe three for one, namely the *Sunne*, *Iupiter*, and *Baal-ſamen*.

Concerning *Saturne*, it is apparant that the *Sun* was worſhipped vnder his name; But I finde ſome Expoſitors to interpret *Moloch* to be [e] *Mercury*, others [f] *Mars*: theſe are but few, and the grounds weake. It is therefore more generally and more probably thought, that he was *Saturne*, becauſe as to *Moloch*, ſo to *Saturne*, the *Heathen* people did ſacrifice their [g] *Sons* and *Daughters*. Secondly, *Saturnes* Image differed not much from *Molochs*. Of *Saturnes* thus we reade; [h] *It was made of braſſe, wonderfull for its greatneſſe, whoſe hands reaching towards the earth, were ſo hollow (ready to claſpe) that the youths which were compelled to come vnto him, did fall as it were into a mighty ditch full of fire.* You ſhall reade in a manner the ſame deſcription of *Moloch*. *Ialkut* commenting on *Ieremy*, writeth thus; [i] *Though all other houſes of Idolatry were in Ieruſalem, yet Moloch was without Ieruſalem, in a place apart. How was he made? He was an image of braſſe; He had ſeuen chappels, and hee was placed before them, hauing the face of a bullocke, and hands ſpread abroad, like a man that openeth his hands to receiue ſomewhat from ſome other: and they ſet it on fire within, for it was hollow; and euery man ſeuerally entred, according to his offering. After what manner? whoſoeuer offered a fowle, went into the firſt chappell; hee that offered a ſheepe, into the ſecond; a lambe, into the third; a calfe, into the fourth; a bullock, into the fifth; an oxe, into the ſixth; and whoſoeuer offered his ſonne, into the ſeuenth.* Thus *Moloch* and

Saturne

[e] מלך *Moloch dici volunt quaſi* מלאך *Malach*, (i.) *Angelus, Nuncius. Proinde interpretantur Moloch Mercurium Deorum nuncium.*

[f] *R. Leui. Leuit. 18. 21.*

[g] *Macrob. Saturn. lib. 1. cap. 7.*

[h] *Euſeb. de præpar. lib. 4. cap. 7.*

[i] *Talkut Ierem. 7. fol. 97. column. 1.*

Saturne agree: *First*, in their sacrifice: *Secondly*, in the forme of their Images. Now these *seuen chappels* built for *Moloch*, may well resemble those [k] *seuen gates* with which the *Persians* honoured the *Sunne*; and as the seuen *gates* did, so might the *seuen chappels*, mystically expresse the *seuen Planets*, whereof the *Sunne* was *Moloch*, (i.) *the King and Prince*. When they sacrificed their sonnes vnto this *Idoll*, they did beat vpon *tabrets* and *drums*, that the cry of the childe might not be heard by the father. Thereupon was the place called תפת *Tophet*, from תף *Toph*, signifying a *drumme*, as likewise from the cry of the children it was called *Gehenna*, גיא signifying a valley, and נהם roaring or crying. Some may make the question, whether that the phrase, *The fire of Gehenna*, *Matth.* 5. 22. had its originall from this fire, wherewith the children were burnt vnto *Moloch*? I answer, that in this phrase there was not respect only vnto this fire; though by the bitter cryes and eiulations of poore infants, the restlesse torments to hell might be shadowed, yet the perpetuity and euerlastingnesse of hellish paines, I take to be signified herein, by allusion vnto that [l] other fire kept continually burning for the consuming of dead carcasses, and the filth brought out of *Ierusalem*. For *Gehenna* was reputed a contemptible place without the City, in the which they burnt, by meanes of a fire continually preserued there, the carkasses, filth, and garbidge of the City. The [m] *Kabbalists* treating of *Gehenna* in this metaphoricall sense, as it is applyed to the paines of hell, doe distinguish of it, saying; That there is *Gehenna superior*, and *inferior*:

[k] *Orig. contra Celsum, lib. 6. fol. 74. col. 4. 11. Gyrald. in Deorum Syntagm. 7. pag. 223.*

[l] *D. Kimchi, Psal. 27. 13.*

[m] *Capnio de Kabala, p. 644.*

By the first they vnderstand *bodily torments inflicted vpon the bodies of sinners in this world:* By the second they vnderstand the *paines of the soule in the world to come.* [n] They say likewise, that there are *Septem Gehennæ mansiones, Seuen degrees or mansion places in Gehenna.* 1. *Infernus.* 2. *Perditio.* 3. *Profundum.* 4. *Taciturnitas.* 5. *Vmbra mortis.* 6. *Terra inferior.* 7. *Terra sitiens.* Of these *seuen receptacles*, he that will misspend his time may read according to the quotation.

[n] *P. Galatinus lib. 12. cap. 6.*

It is much controuersed among Expositors, whether the children in this sacrifice were *burnt in the fire*, or only *initiated and consecrated to Moloch, passing in the middest of two fires in signe of their consecration?* It is probable, that both were in vse. *First*, the Scripture speaketh of both. *Secondly*, the *Hebrew Doctors* shew the manner of both. That they were *Burnt*, *Ialkut* expressly teacheth, and with him [o] others accord, saying, *That Molech is the name of an image, and the wise men of blessed memory interpret Molech to bee an vniuersall name, denoting any whom they haue made to rule ouer them; and it is agreed vpon, that this is the abomination of the sons of Ammon, and this phrase to cause to passe thorow, is as much as to burne.* Others say, *This Idols name was Molech, and* [p] *this was his worship: That he, (namely the father) deliuered his sonne vnto the Priests, and they made two great fires, and they made his sonne passe on his feet betweene both these fires.*

[o] *Aben Ezra. Leu. 18. 21.*

[p] *Rabbi Salomon Benit. 18. 21.*

Notwithstanding, we must not thinke that there were no other oblations vnto *Molech* besides sacrificing of children: For what vse then serued those other fix Chappels? No, I take this oblation of children,

dren, not to haue been forced on them by any ſuperſtitious law, or tradition, binding them thereunto; but to haue been reputed a work more meritorious, becauſe it was meerly voluntary. This I note, becauſe otherwiſe there were an apparent difference betweene *Baal* and *Molech*. For the *Baalites* offered vnto their fansied Deity a bullocke in that contention betweene them and *Eliah*, 1 *King*. 18. Bullocks, and Calues, and Lambs, were their ordinary ſacrifices, the ſacrificing of their children, *extraordinary*. Yet their ordinary ſacrifices, were not alwayes altogether void of mans bloud, but ſometimes the *Prieſts* would lance and cut their owne fleſh: which cuſtome, whence it had its originall, I finde not: only we finde the like to haue beene practiſed by the *Heatheniſh Prieſts* in their ſacrifices to *Bellona*: [q] *Tertullian* toucheth it; but [r] *Lactantius* treating of *Bellona* and her *Prieſts*, ſpeaketh more clearely, ſaying, *They ſacrificed not with any other mans bloud, but with their owne, their ſhoulders being lanced, and with both hands brandiſhing naked ſwords, they ran and leaped vp and downe like mad men.* Who would not take theſe *Bellonites* to be the very *Baalites* ſpoken of, 1 *King*. 18. *They leapt vpon the Altar which was made —— and cut themſelues as their manner was with knines and lancers, till the blond guſhed out vpon them.*

[q] *Tertul. Apolog. cap. 9.*
[r] *Lactantius p. 40.*

That the opinion of pleaſing *God* by ſacrificing their children ſprang from *Abrahams* offering of *Iſaak*, ſeemeth very probable, and is intimated by *R. Salomon*, who bringeth in *God* ſpeaking concerning *Molech* after this manner: *I neuer commanded that they ſhould offer vp their ſonnes for an oblation, and I neuer ſpake it vnto any of my Prophets,* [t] *and when I*

[t] *Salomon Iarchi. Ier. 7. 31.*

ſpake to *Abraham* to ſacrifice his ſonne, it entred not into my heart that hee ſhould ſacrifice him, but to make knowne his righteouſneſſe. Yea, [t] *Porphyry* treating of *Saturne*, (who ſeemeth to haue beene this very *Moloch*) ſaith that the *Phœnitians* called him *Iſrael*, and that he had by *Anobreth* one onely ſon called *Ieud* in the *Phœnician* language (no doubt from the *Hebrew Iechid*, ſignifying an *onely begotten*, and applied to *Iſaak*, *Gen.* 22.2.) which he offered vpon an altar purpoſely prepared. Who ſeeth not the hiſtory of *Abraham* and *Sarah* vnder the names of *Iſrael* and *Anobreth*? and the immolation of *Iſaak*, vnder the name of *Ieud*? and the originall of this Sonne-ſacrificing diuinity, to haue beene the vnwarrantable imitation of *Abraham*?

t *Euſeb. præpar. Euang. l. 1. c. 7. p. 19.*

But what! was the *Sun* worſhipped *Idolatrouſly*, no otherwiſe? Yes, except I am deceiued, we finde another manner of worſhip deſcribed by *Amos*, *chap.* 5. 26. *But yee haue borne the Tabernacle of your Moloch*, and *Chiun* your images the *ſtarre of your God* which ye made to your ſelues. This tranſlation I preferre before others. Firſt, becauſe the * *Hebrew* word ſignifieth a *Tabernacle*. Secondly, it is rendred the tabernacle of *Moloch*, not *Siccuth* your King, [u] by the *ſeuenty*. Thirdly, it is ſo repeated by *Saint Steuen*, *Act.* 7.43. *Yee tooke vp the Tabernacle of Moloch*, and the *ſtarre of your God Remphan*, figures which ye made to worſhip them.

* ונשאתם את סכות מלככם.

u Καὶ ἀνελάβετε τὴν σκηνὴν τοῦ Μολὸχ, καὶ τὸ ἄστρον τοῦ θεοῦ ὑμῶν ῾Ραιφάν, τοὺς τύπους οὓς ἐποιήσατε ἑαυτοῖς.

Three things are to be enquired for the vnderſtanding of this parallel. *Firſt*, what the *bearing or taking vp of this Tabernacle is*. *Secondly*, what Idoll was pointed out by theſe names of *Chiun* and *Remphan*.

phan. Thirdly, what is meant by the *star of this God.*

The taking vp of this Tabernacle denoteth their worship which they exhibited vnto their Idoll, by carrying him vp and downe in *Tabernacles* and *Pageants*, after a solemne manner of procession; by the *Romans*, this solemnity was termed *Pompa*; and the tent or *pageant* in which the Idol was caried, *Thensa*, according to that, *Thensa deorum vehiculum.* This kind of Idolatry may seeme to haue had its originall among the *Heathens* from an vnwarrantable imitation of *Moses his Tabernacle*, which was nothing else but a [a] *Portable Temple*, to be carried from place to place as need required. For it cannot be denied, but that many superstitions were deriued vnto the *Heathens* from the true worship of *God*, which he himself had prescribed vnto his people. Thus as *God* had his *Tabernacle*, *Priests*, *Altars*, and *Sacrifices*, so the *deuil* had his *Tabernacles*, *Priests*, *Altars*, and *Sacrifices.* As *God* had his *fire euer burning vpon the Altar*, *Leu. 6. 3.* So had the *deuill* his *fire preserued burning by those Vestall Votaries.* As *God* had his *propitiatory* or Mercy seat: So had the *deuill* his *Sacros tripodas*, his *Oracles* from which he would speake vnto them that serued him. This solemne procession was performed by the *Romans*, in the honour of the *Sun: It was performed by the *Israelites* in honour of their *Moloch* who formerly was interpreted the *Sunne.* To adde vnto the pomp and state of this solemnity both the *Romans*, and the *Israelites* caused *great horses* and *chariots* to be lead vp and downe. [x] *Horses* were consecrated to the *Sunne* by the *Romans*, and their *Cirque-place* was sometimes called τὸ ἱππικὸν, and ἱππασίμιον, An *Horse-race.* And that *chariots* were com-

[a] Ἱερὸν τοῦ μεταφερομένου θεοῦ. *Ioseph. Antiq. lib. 3. cap. 5.*

* *Solis hanc ludi gratia spectaculo Circi. Antiqui dicere patres Corrip. Africa. lib. 1. num. 17. vid. Dempster.*

[x] *Alex. ab Alex. lib. 3. cap. 12.*

commonly vſed in thoſe pompous ſhewes is [7] euident. Concerning the people of *Iudah*, doth not the like practice plainely appeare? 2 *King.* 23. *Ioſiah* did put downe the *Horſes* giuen to the *Sunne*, and the *chariots of the Sunne*. This kinde of idolatrous worſhipping the *Sunne* ſeemeth to haue had its beginning from the *Perſians*; who alſo accounted *horſes* holy to the *Sunne*, [z] and the *Perſian King* when he would ſhew himſelfe in great ſtate, cauſed an exceeding great *horſe* to be led vp and downe, the which was called *Equus ſolis*.

[7] —*Hic illius arma, Hic currus fuit.* *Virgil. Æneid. 1.*

[z] *Cal. Rhodigin. antiq. l. 8. c. 2.*

The ſecond inquiry is, what *Idoll* was meant by *Chiun*, and *Remphan*, otherwiſe in ancient copies called *Repham*. Not to trouble the Reader with the various interpretations of Expoſitors, much leſſe with the bold aduentures of others in correcting the text: By *Chiun* we are to vnderſtand *Hercules*, who in the *Ægyptian* language was called *Chon*: by *Repham* we are to vnderſtand the ſame *Hercules*, for רפאים *Rephaim*, in the holy tongue ſignifieth *Giants*. By *Hercules* we may vnderſtand the Planet of the *Sunne*: there are *Etymologiſts* which deriue *Hercules* his name from the *Hebrew* הארי כל *Heircol*, *Illuminauit omnia*: the *Greeke* [a] *Etymology*, holds correſpondency with the *Hebrew*, and both ſignifie that vniuerſall light which floweth from the *Sunne*, as water from a fountaine. Adde hereunto, that [b] *Porphyry* interpreteth *Hercules his twelue labours*, ſo often mentioned by the *Poets*, to be nothing elſe but the *twelue ſignes of the Zodiak*, thorow which the *Sunne* paſſeth yearely. But ſome may queſtion whether the name of *Hercules* was euer knowne to the *Iewes*? It is probable the name was, for *Hercules* was

[a] *Heracles quid aliud eſt quam ἴρας κλέος (i.) aeriꝰ gloria: quæ porro alia eſt aeriꝰ miſi ſolis illuminatio? Macrob. Saturn. lib. 1. c. 20.*

[b] *Euſeb. de præp. l. 3. cap. 4. pag. 71.*

was the *god* of the *Tyrians*, from whom the *Iewes* learned much *Idolatry*, as being their neare neighbours: Yea it is apparent that in the time of the *Macchabees* the name was commonly knowne vnto them: for *Iason* the *High Prieſt* ſent three hundred drachmes of ſiluer to the ſacrifice of *Hercules*, 2 *Macchab.* 4. 19.

Thirdly, it followeth that we ſhould enquire what this *ſtarre of Remphan* was; It is probably [c] thought that it was a certaine *ſtarre painted in the fore-head of Molech*: Neither was it vnuſuall for the *Heathen* people to paint their *Idols* with ſuch *Symbolica additamenta*. [d] *Iulius Cæſar* his Image had a *Starre* depicted on the *crowne of his head*.

[c] *Occumenius, Act.* 7. 43.

[d] *Sueton. in Iul. c.* 88. *Plin. lib. 2. cap.* 25. *Hieron. lib.* 2. *Ol.* 12.

The *Sunne* was alſo worſhipped by the houſe of *Iuda*, vnder the name *Tamuz*; for [e] *Tamuz*, ſaith *Hierome*, was *Adonis*, and [f] *Adonis* is generally interpreted the *Sunne*, from the *Hebrew Adon*, ſignifying *Dominus*, the ſame as *Baal*, or *Moloch* formerly did, namely, the *Lord* or *Prince* of the *Planets*. The moneth which we call *Iune*, was by the *Hebrewes* called *Tamuz*, and the entrance of the *Sun* into the ſigne *Cancer*, was, in the *Iewes Aſtronomy*, termed *Tekupha Tamuz*, the *reuolution of Tamuz*. Concerning *Adonis*, whom ſometimes ancient Authors call *Oſiris*, there are two things remarkable, διαπραξις, the *death or loſſe of Adonis*: and ἱστορια, the *finding of him againe*. As there was great * lamentation at his *loſſe*, eſpecially amongſt the [ee] women: ſo was there great ioy at his *finding*. By the death or *loſſe of Adonis*, we are to vnderſtand the departure of the *Sun*; by his *finding againe*, we are to vnderſtand his returne. Now he ſeemeth to depart twice in the yeare:

[e] *Hieronym. comment. 3. in Ezek.*

[f] *Pier. Hieroglyph. lib. 9. pag.* 68.

* ——*Nec quisquam ex ſatis quæſtus Oſiris.* *Semper eximperi. doni, ſemper & inuenimi. Lucan.*

[ee] *Plutarch in Alcibiade.*

First,

First, when he is in the *Tropicke of Cancer*, in the farthest degree north-ward. Secondly, when he is in the *Tropicke of Capricorne*, in the farthest degree south-ward: answerable vnto these two departures which may be termed ἀφανισμοὶ, *disparitions*, or *losses of the Sunne*, there are two returnes immediatly succeeding, which may be termed likewise ἐυρέσεις, the *findings* or new appearings of the *Sunne*. Hence we may note, that though the *Ægyptians* celebrated their *Adonia* in the moneth of *Nouember*, when the Sunne began to be farthest *Southward*; and the house of *Iuda* theirs, in the moneth of *Iune*, when the *Sunne* was farthest *Northward*; yet both were for the same reasons, and in substance they agreed. And of this the *Prophet Ezekiel* is thought to haue spoken, *Ezek.* 8.14. *There sate women weeping for Tamuz.*

These solemnities were chiefly obserued, betweene the *Byblienses* and the *Alexandrini*, [g] the manner was thus: When the *Byblienses* solemnized the death or losse of *Adonis*, at that time the *Alexandrini* wrote a letter, this Letter was inclosed in an *Arke of bul-rushes*, therin they signified that *Adonis*, whom they lamented, was found againe: this Arke being after the performance of certaine rites and ceremonies cõmitted to the Sea, forthwith it was carried by the streame to *Byblus*, vpon the receit whereof, the lamentation of the women was turned into ioy. [h] Others say that this lamentation was performed ouer an Image in the night season, and when they had sufficiently lamented, a candle was brought into the roome (which ceremony might mystically signifie the returne of the Sunne) then the *Priest* with a soft voyce muttered this forme of words:

[g] *Procopius in Isaiam ad c. 18. Et Cyrillus l. 2. Tom. 2. in Isaiam.*

[h] *Iulius Maternus Firmicus. l. de errore profan. religion.*

[1] *Trust*

Trust ye in God, for out of mine salvation is come unto vs. There are like wise of the *Iewes*, that say their *Tamuz* was an Image whose eyes they filled with Lead, which Lead being molted by the meanes of fire vnder it, the Image it selfe seemed to weepe.

There are that thinke the *Prophet* alludeth vnto those letters inclosed in those fore-mentioned *bul-rush Arkes*, *Isai.* 18. 2. when he speaketh of Embassadors sent by the Sea euen in *vessels of reeds* vpon the waters. But I rather approue the litterall sense, for by reason of the shelfes and dangerous rocks in the River *Nilus*, it was not vnusuall for men to saile in hulkes and *vessels made of a kinde of great bul-rush*, which by the *Ægyptians* was termed *Papyrus*, and these kinde of ships [m] *Papyraceæ naues*.

[g] Ochil vt ne sit Deus, &c. Hoc ipsum habet in mente vox hæc. Pirm. in eum ibid.

חין ערשים צלם רמז מולאים עיניו עיפרת וחור ערשים אש מתתיו R. Dau. Kimchi in radic.

[l] Pring. Iust. lib. 12.

[m] Plin. nat. lib. 6. cap. 22.

Chap. III.

Of Baal-Peor, Baal-Tsephon, Baal-zebub, Baal-Berith, Bel, and the Dragon.

WHom the *Hebrewes* called *Baal*, the *Babylonians* called *Bel*, and although the *Planet of the Sunne* only at first might be worshipped vnder that name, yet at last it became a common name to many other Idols, according to that, *There are many gods, many Baalims or Lords*, 1 Cor. 8. 5. As the same *Idoll Iupiter* had different names, and different Rites of worship, occasioned sometimes from the different places, as *Iupiter Olympius*, from the hill *Olympus*, *Iupiter Capitolinus*, from the *Capitoll hill*; *Iupiter Latialis*, from that part of *Italy* which is called *Latium*. Some-

times from the different benefits which he was supposed to bestow on men, as *Iupiter Pluuius*, because he gaue raine; *Iupiter Lucetius*, because he gaue Light; *Iupiter Altitonans*, from thundring: So *Baal* had his distinctiue titles, and different rites of worship, sometimes occasioned by the place, as *Baal-Peor*, *Numb.* 25.3. sometimes from the benefit obtained, as *Baal-Tsephon*, *Exod.* 14.1 and *Baal-Zebub*, 2 *King.* 1.2. sometimes for some other reason, as *Baal-Berith*, *Iudg.* 8.33.

[a] *Hieronym. ad Hos.* c. 9. *Idem prodidit Isidor. Orig. lib.* 8.

Baal-Peor is thought to be that [a] *Priapus*, that obscene *Idoll*, so famous in prophane Authors. He was called *Peor*, from the hill *Peor*, mentioned, *Numb.* 23.28. as likewise his Temple wherein he was worshipped, standing upon the same hill, was called *Beth-Peor*, *Deut.* 3.29. He was worshipped by the *Moabites*, and *Midianites*; the *Idoll Chemosh*, *Ier.* 48.7. is thought to be the [b] same, and I take it to be applyed to *Baal-Peor*, by way of contempt, as if one should say, their *blinde god*, according to that in the Psalme, *They haue eyes, and see not*: For the first letter [c] *Caph*, signifieth *quasi*, and [c] *Mush*, *palpare*, to *groape* or *feele about in manner of blinde men*.

[b] *Hieronym. in Isai.* 15. c. 15.

[c] *Philo Iud. lib.* 2. *Allegoriar. p.* 79.

Baal-Tsephon is thought by the [d] *Hebrewes*, to haue beene an *Idoll made* by the *Aegyptian Magicians*, and placed in the wildernesse, to obserue and stop the *Israelites* in their departure from *Aegypt*, whence it was termed [d] צפון *Tsephon*, from צפה *Tsapha*, signifying to *watch*, and obserue in manner of a watchman: we may call him *Baal speculator*, as among the *Romans*, because *Iupiter* staied the *Romans* when they were flying, he was called [e] *Iupiter Stator*:

[d] *P. Fag. Exod.* 14.1.

[e] *Rosin. lib.* 2. *antiq. Rom. cap.* 5.

Baal-

Baal-zebub, soundeth as much as the *Lord of the flies*, or a [f] *Master flie*, which hath power and authority ouer the rest, in which respect the *Prince of the Deuils* in the *Gospell* is termed *Beel-zebub*, זבוב *Zebub* signifieth a *flie*.[g] This *Idoll* was worshipped by the *Cyrenians*, but principally by the *Ekronites*, because whensoeuer they sacrificed vnto him, the swarmes of flyes, which at that time molested the countrey, died. But it is certaine, that this was not the alone reason, for they were wont to repaire to him, as to an *Oracle*, 2 *King.* 1. 2. we may call him *Iupiter muscarius*, or *Hercules muscarius*, [h] for the inhabitants of the City *Elis*, sacrificed to *Iupiter* vnder the name of Ἀπόμυιος, (i.) *A driuer away of flies*, and the *Romans* to *Hercules*, vnder the same name. Some *Greeke* copies in the *Gospell* reade Βεελζεβὺλ, *Beelzebul*, which change is interpreted to be, for to shew the greater contempt of the *Idoll*, as if they should say, *Iupiter stercorem*, זבל *Zebel* signifieth *stercus*, and *Beel* or *Baal* signifieth *Dominus*.

Baal-Berith was the *Idoll* of the *Sichemites*, of his Temple we reade, *Iudg.* 9. 4. ברית *Berith* signifieth a *couenant*, so that *Baal-Berith* may be translated *Iupiter fœderatus*, (i.) [i] *The God vnto whom they bound themselues by couenant*. Concerning *Bel* and the *Dragon*, little is spoken, besides what we reade in that of the *Apocrypha*, where the history is described.

[f] Ζαβεβοὺβ μύιαν Θεὸν Ἀκκαρὼν. *Gregor. Nazianz. orat. 2. contr. Iulian. p. 102.*

[g] *Plin. l. 10. c. 28.*

[h] *Clemens Alexandr. in protrepti.*

[i] Βεελζεβοὺλ ἐκλήθη διὰ τὸ δεδουλεῦσθαι αὐτῷ τὸν Θεὸν. *Septuaginta interpr. Iudg. 8. 33.*

Chap. IV.

Of Dagon.

THe [a] *Hebrew Doctors* say, that this Idoll *Dagon was made from the nauill downeward in forme of a fish, but from the nauill vpward in forme of a man.* This they collect from the 1 *Sam.* 5. 4. *The two palmes of his hands were cut off vpon the threshold.* And furthermore they say, the Idol *Dagon* had his name from the *Hebrew* דג *Dag*, signifying in the holy language, a *Fish*, according to which description we may English him the *Philistims Neptune* or * *Triton.* Others deriue the name from דגן *Dagan*, signifying *corne*, and they [b] say, that he first inuented the vse of the *Plough*, and *corne*, whence they translate him *Iupiter aratrius.* In this respect we may call him the *Philistims Saturne*, because antiquity makes [c] *Saturne* the *first inuenter of Husbandry*, and therefore paints him with an *hooke* or *sith in his hand*, as being the fittest *Hieroglyphicke* for *Husbandry.* Both opinions haue their Authors, and no sufficient proofe hath beene produced to ouerthrow either. [d] Yea there are not wanting among the *Iewes* themselues, that say this Image of *Dagon was made in the forme of a man.* Notwithstanding *Scaliger* his coniecture is not improbable, that those who interpret *Dagon, Iupiter aratrius*, or אכר, might mistake and reade שדי *Shadai* signifying *Ager*, A *field*, for שדי *Schaddai* being the very name of *God*, signifying *Omnipotens, Almighty.*

[a] R. Dau. 1 Sam. 5.

* Triton non absimilem habuisse figuram fingitur. Frons hominis præsentat, in priscum desinit alueus. Pier. Hierogl. lib. 31. pag. 218.

[b] Philo Byblius apud Euseb. de præpar. lib. 1. cap. 7.

[c] Pier. Hieroglyph. lib. 32. p. 228. Idem lib. 56.

[d] R. Leui. 1 Sam. 5.

Chap. V.

Of the molten Calfe.

THE History of the *molten Calfe* is at large set downe, *Exodus* 32. where we reade, that by reason of *Moses* his long absence, the people desired of *Aaron*, *Gods* to be made, whereupon *Aaron* made for them the *molten Calfe*. The reason why they worshipped *God* rather in the similitude of a *Calfe*, than of any other creature, is generally by Expositors conceiued to be, from the corruptions learned among the *Ægyptians*, who worshipped their Idoll [a] *Apis*, otherwise called [b] *Serapis*, in a liuing *Oxe*, and likewise in an Image made in the forme and similitude of an *Oxe*, with a bushell on his head. This *Oxe* was remarkable for certaine notes and markes, whereby it was differenced from all others. It was *blacke bodied*, it had a *white forehead*, a *white spot behinde* and a *knot* vnder his tongue; for the more curious fashioning and polishing of these markes in the molten Calfe, *Aaron* may seeme to haue made vse of his [c] *grauing toole*. [d] The *Ægyptians* repaired vnto this *Oxe* for the resolution of matters doubtfull, as to an *Oracle*, and the manner of consulting with him was thus. The party that repaired vnto him tendred a bottle of hay or grasse, which if he receiued, then it betokened a good and happy euent; if otherwise he refused it, then it did portend some euill to come. *Thus they turned their glory into an Oxe*

[a] *Plin. nat. hist. l. 8. c. 46. Herodot. l. 2. Solin. c. 35. aut alio. vbi de hoc. c. 49.*
[b] *Alex. Genial. dierum lib. 6. cap. 2.*
[c] בחרט *stylo sculptorio.*
[d] *Plin. Hist. lib. 8. c. 46. & Alex. Genialium dier. l. 6. c. 2.*

that eateth grasse, Psal. 106.20. The Hebrew word in the Psalme, translated an Oxe, is, *shor, which I note, because in my opinion, it giueth light to one of the names by which this Idoll was denoted. Sometimes it was called *Apis*, from the Hebrew word *Ap*, signifying a *face*: sometimes *Serapis*, *quasi Shor-apis*, which is nothing else but *Bouis caput*, an Oxe head, the very name vsed by the Fathers, to expresse this Idolatry. It is commonly knowne, that this Idolatry was derived to Israel from the Egyptians, but whence the Egyptians first learned it, few haue taught: They doe not coniecture amisse, who interpret the first institution hereof to haue beene in the memory of *Ioseph*, who by his prouidence releeued both Egypt, and other neighbour countreyes in the seuen yeares of famine. Beside the testimony of no slight Authors, there are strong inducements to perswade it. *First*, both the yeares of plenty and famine were foresignified by the apparition of *Oxen*. *Secondly*, what fitter embleme, (if it had not afterward proued an Idoll) to continue the remembrance of a *Ioseph*, (by whose alone care and industry, corne and victuall was prouided in an extreme famine,) than an *Oxe*, the true and liuely hieroglyphicke of an industrious husbandman? *Thirdly*, in this Suidas agreeth with others, that *this Oxe was pourtrayed with a bushell on his head*, though others doe more clearely expresse the reason of this portraiture, namely, because of the great quantity of corne measured out by *Ioseph* in that extreme dearth. Concerning the sinne of the Israelites in making this Calfe or Oxe, the moderne Iewes doe transferre the fault vpon

שור

* Vultus, Facies אף

† Cyprian. de bono patient. p. 318. vid. Aetium Aug. p. 73. & Tertullian. adu. Iud. cap. 1.

‡ Suidas in Zepa-ms. Ruffinus lib. 1 hist. Eccl. cap. 23 Pier. Hierogl. lit. 3. p. 25.

certaine

certaine *proselyte Egyptians* who came forth with them; and they say, that when *Aaron* cast their iewels into the fire, these *Egyptians*, contrarie to his expectation, by their art *Magick* produced a calfe, to which purpose they vrge *Aarons* owne words, *Exod.* 32. 34. I did cast the gold into the fire, and *thereof came this calfe*; as if his art or will went not with the making thereof, but *of it selfe it made it selfe*. But this answer of his sheweth rather, how vaine the wit of man is in the excuse of sinne; and as his engraving instrument writes downe *Aarons* sinne: so the confession of other more ingenuous *Iewes*, proclaimes the Israelites, saying that *no punishment befalleth thee Israel, in which there is not an ounce of that calfe*. I conclude this with the analogie betweene the *Egyptian Apis* and the *molten calfe*: and this consisted in three things. *First*, as there were some *speciall markes in the Egyptian Oxe*: so is it probable that *Aaron*, with his ingraving toole, made *the like*. *Secondly*, as the *Egyptians* in honour of their *Oxe*[k] celebrated a *solemne feast*, with much singing and mirth: so the *Israelites* proclaimed a *feast* in honour of their *calfe*: *The people sate downe to eat, and drinke, and rose vp to play*. *Thirdly*, as the *Egyptians Oxe* was at last drowned in the riuer: so *Moses* burnt the *molten calfe*, and beat it to powder, and cast it vpon the face of the water, *Exod.* 32. 20. *Deut.* 9. 21. *Ieroboam* afterward, though vpon other inducements, committed the same sin; hee thought in his heart, that if the people did goe vp to *Ierusalem*, and doe sacrifice in the *house of the Lord*, they would reuolt from him, and returne to the *King of Iudah*: whereupon he set vp *two calues*

אין לך
ישראל
מכה עונרין
שאין בה
אונקי מיטקן
העגל

Moses Gerundens. Munster. Rand 32.

[k] *Suidas in voce* Ἄπις.

of

of gold, the one in *Bethel*, the other in *Dan*; saying vnto the people, It is too much for you to goe vp to *Ierusalem*, 1 *King.* 12. 28.

CHAP. VI.

Of Astaroth, Ammonia, Iuno, the Queene of Heauen, Diana of the Ephesians.

AS the *Sunne* was worshipped vnder many names: So likewise the *Moone*. *Astaroth* was the *Idol* chiefly of the *Zidonians*, 1 *Kin.* 11. 5. 2 *King.* 23. 13. shee had her *Temple* called the *house of Astaroth*, in which the *Philistims* hanged vp *Sauls* [a] armour after his death, 1 *Sam.* 31. 10. That the *Moone* was worshipped vnder this name needs not [b] proofe: onely [c] some say that *Astarte* was *Iuno*: and why may we not say that *Iuno* is often vsed to expresse the *Moone*? [d] Both the *Moone* and *Iuno* are often called by the name of *Vrania*. And as the *Moone* in respect of her light is called *Vrania*: so in regard of the lesser lights in the heauen, she is called *Astroarche*, that is, the [e] *Queene of the Planets*; or as *Horace* speaketh of the *Moone*; *Siderum regina*, The *Queene of the starres*; or lastly, as *Virgil* speaketh of *Iuno*; *Dictum incedo regina*, The *Queene of the gods*. It seemeth verie probable, that this is that *Queene of Heauen*, of which the *Prophet* speaketh, *Ier.* 7. 18. *Ier.* 44. 17. Againe, vnto

[a] Horum Anathematum oblationem primò dicimus ab Israelitis. Num. 7. 1 Sam. 21.

[b] Ἀστάρτην δ' ἴσμεν θεὸν ἑπτάλοφον ἄμμανα. Astarten lunam esse opinor. Lucian. de Dea Syria

[c] August. super Iudic. quæst. 16.

[d] Astarte Vrania idem omnino valet apud Phœnicas, quod Iuno Lucina apud Latinos. Deducitur Vrania ab Hebræo אור Nun in fine additio a: per sesium, aut cum Iod, quod passim fit à Syris, quasi אורין vel אוריא in singulare verò אוריאא (i.) Lucidus & Lucida, aut Lucinus & Lucina. Et hinc Græci satis deprauatè mutuati sunt. [e] Ἀφροδίτη dicitur, ἀφ' οὗ τὰς ἀφρὸν ἐκλύει, ab impetu quod in actu exercet. vid. Herodian. lib. 5.

whom

whom may we imagine those ancient Heathens to haue performed that solemne worship, which they did on the *Calends*, or first day of euerie moneth? was it not to the *Moone*? And yet notwithstanding it is ascribed to *Iuno*, [f] whence shee is called *Iuno Calendaris*. Lastly, as *Iupiter* [g] *Ammon* was no other than the *Sun*, and worshipped in forme of a *Ramme*: so for ought I see, the *Moone* might bee called *Iuno* [h] *Ammonia* and worshipped in the forme of a *sheepe*. Sure I am, that the *Hebrew Doctors* describe the images of [i] *Astaroth*, to haue been made in the *forme of sheepe*, and the word *Astaroth* in the originall signifieth a *flocke of sheepe*, and the *Moone* might as well be called *Ammonia*, as the *Sun Ammon*, both being so called from their *heat*, which in the holy tongue is called [k] *Hammah*, and from thence likewise those images (of which wee read *Leuit.* 26. 30. *Isay* 17. 8. *Isay* 27, 9.) are called [l] *Hammanim*, because they were certaine *Idols* placed vpon the house top, and so alwayes exposed to the *Sunne*. Furthermore, as *Iupiter* [m] *Ammon* was painted with *hornes*, so likewise was the [n] *Moone*: why they should bee thus painted, many reasons might be produced, but chiefly three; the *first* peculiar to the *Sun*, the other common both to *Sun* and *Moone*. *First*, the *Sun* was painted with *Rams hornes*, because with the Astronomers the signe *Aries* in the *Zodiak* is the [o] beginning of the yeare. *Secondly*, because as the strength of *horned beasts* consist in their *hornes*; so the vertue and influence of the *Sun* and *Moone*, is derined into sublunarie creatures by their *beames*. *Thirdly*, because the light of the *Sun* and *Moone*, makes the reflexion

f *Macrob. Sat. lib. 1. c. 15.*

g *Macrob. Sat. lib. 1. c. 21.*

h *Cal. Rhodigin. l. 18. c. 38.*

i *D. Kimchi, 1 Sam. 31. 10. 11. Iud. 2. 13.*

k חמה *Calor, Sol.*

l *R. Salomon in Leuit. 26. 30.*

m ----*stat cornigeri illic. Iupiter. Lucan. l. 9. vers. 514.*

n *Syderum regina bicornis audi. Luna puellas. Horat. car. secular.*

o *Pier. hieroglyph. l. 10.*

Chap. IV.

Of Dagon.

THe [a] *Hebrew Doctors* say, that this Idoll *Dagon was made from the nauill downeward in forme of a fish, but from the nauill vpward in forme of a man.* This they collect from the 1 *Sam.* 5. 4. The *two palmes of his hands were cut off vpon the threshold* And furthermore they say, the Idol *Dagon* had his name from the *Hebrew* דג *Dag*, signifying in the holy language, a *Fish*, according to which description we may English him the *Philistims Neptune* or * *Triton.* Others deriue the name from דגן *Dagan*, signifying *corne*, and they [b] say, that he first inuented the vse of the *Plough*, and *corne*, whence they translate him *Iupiter aratrius.* In this respect we may call him the *Philistims Saturne*, because antiquity makes [c] *Saturne* the *first inuenter of Husbandry*, and therefore paints him with an *hooke* or *sith in his hand*, as being the fittest *Hieroglyphicke* for *Husbandry.* Both opinions haue their Authors, and no sufficient proofe hath beene produced to ouerthrow either. [d] Yea there are not wanting among the *Iewes* themselues, that say this Image of *Dagon was made in the forme of a man.* Notwithstanding *Scaliger* his coniecture is not improbable, that those who interpret *Dagon, Iupiter aratrius*, or Ἄροτρος, might mistake and reade שדי *Shadai* signifying *Ager*, A *field* for שדי *Schaddai* being the very name of *God*, signifying *Omnipotens, Almighty.*

[a] *R. Dau. 1 Sam. 5.*

* *Triton non absimilem habuisse figuram fingitur. Frons hominis præfert, in posteriorem desinit alnum. Pier. Hierogl. lib. 31. pag. 318.*

[b] *Philo Byblius apud Euseb. de præpar. lib. 1. cap. 7.*

[c] *Pier. Hieroglyph. lib. 32. p. 228. Idem lib. 56.*

[d] *R. Leui. 1 Sam. 5.*

Chap. V.

Of the molten Calfe.

THE Hiſtory of the *molten Calfe* is at large ſet downe, *Exodus* 32. where we reade, that by reaſon of *Moſes* his long abſence, the people deſired of *Aaron*, *Gods* to be made, whereupon *Aaron* made for them the *molten Calfe*. The reaſon why they worſhipped *God* rather in the ſimilitude of a *Calfe*, than of any other creature, is generally by Expoſitors conceiued to be, from the corruptions learned among the *Ægyptians*, who worſhipped their Idoll [a] *Apis*, otherwiſe called [b] *Serapis*, in a liuing *Oxe*, and likewiſe in an Image made in the forme and ſimilitude of an *Oxe*, with a buſhell on his head. This *Oxe* was remarkable for certaine notes and markes, whereby it was differenced from all others. It was *blacke bodied*, it had a *white forehead*, a *white ſpot behinde* and a *knot* vnder his tongue; for the more curious faſhioning and poliſhing of theſe markes in the molten Calfe, *Aaron* may ſeeme to haue made vſe of his [c] *grauing toole*. [d] The *Ægyptians* repaired vnto this *Oxe* for the reſolution of matters doubtfull, as to an *Oracle*, and the manner of conſulting with him was thus. The party that repaired vnto him tendred a bottle of hay or graſſe, which if he receiued, then it betokened a good and happy euent; if otherwiſe he refuſed it, then it did portend ſome euill to come. *Thus they turned their glory into an Oxe*

[a] *Plin. nat. h. l. 8. c. 46. Herodot. l. 2. Solin. c. 35. aut alio. vbi diſſimile est. 49.*

[b] *Alex. Genial. dier. lib. 6. cap. 2.*

[c] בחרט *ſtylo ſculptoria.*

[d] *Plin. Hiſt. lib. 8. c. 46. Alex. Gen. dier. l. 6. c. 2.*

that eateth grasse, Psal. 106.20. The Hebrew word In the Psalme, translated an Oxe, is, *shor, which I note, because in my opinion, it giueth light to one of the names by which this Idoll was denoted. Sometimes it was called *Apis*, from the *Hebrew* word *Ap*, signifying a *face*: sometimes *Serapis*, *quasi Shor-apis*, which is nothing else but *Bouis caput*, an *Oxe head*, the very name vsed by the Fathers, to expresse this *Idolatry*. It is commonly knowne, that this *Idolatry* was derived to *Israel* from the *Egyptians*, but whence the *Aegyptians* first learned it, few haue taught: They doe not coniecture amisse, who interpret the first institution hereof to haue beene in the memory of *Ioseph*, who by his prouidence releeued both *Aegypt*, and other neighbour countreyes in the seuen yeares of famine. Beside the testimony of no slight Authors, there are strong inducements to perswade it. *First*, both the yeares of plenty and famine were foresignified by the apparition of *Oxen*. *Secondly*, what fitter embleme, (if it had not afterward proued an Idoll) to continue the remembrance of a *Ioseph*, (by whose alone care and industry, corne and victuall was prouided in an extreme famine,) than an *Oxe*, the true and liuely hieroglyphicke of an industrious husbandman? *Thirdly*, in this *Suidas* agreeth with others, that *this Oxe was pourtrayed with a bushell on his head*, though others doe more clearely expresse the reason of this portraiture, namely, because of the great quantity of corne measured out by *Ioseph* in that extreme dearth. Concerning the sinne of the *Israelites* in making this *Calfe* or *Oxe*, the moderne *Iewes* doe transferre the fault vpon certaine

שור e

e Vultus, Facies פנים

g Cyprian. de bono patient. p. 318. vid. Aetium August. p. 73. & Tertullian. adu. Iud. cap. 1.

h Suidas in Zepanus. Rufinus lib. 1 hist. Eccl. cap. 23 Pier. Hierogl. lib. 3. p. 25.

certaine *proselyte Egyptians* who came forth with them; and they say, that when *Aaron* cast their iewels into the fire, these *Egyptians*, contrarie to his expectation, by their art *Magick* produced a calfe, to which purpose they urge *Aarons* owne words, *Exod.* 32. 34. I did cast the gold into the fire, and *thereof came this calfe*; as if his art or will went not with the making thereof, but *of it selfe it made it selfe*. But this answer of his sheweth rather, how vaine the wit of man is in the excuse of sinne; and as his engraving instrument writes downe *Aarons* sinne: so the confession of other more ingenuous *Iewes*, proclaimes the Israelites, saying that *no punishment befalleth thee Israel, in which there is not an ounce of this calfe.* I conclude this with the analogie betweene the *Egyptian Apis* and the *molten calfe*: and this consisted in three things. *First*, as there were some *speciall markes in the Egyptian Oxe*: so is it probable that *Aaron*, with his ingraving toole, made *the like*. *Secondly*, as the *Egyptians* in honour of their *Oxe*[k] celebrated a *solemne feast*, with much singing and mirth: so the *Israelites* proclaimed a *feast* in honour of their *calfe*: *The people sate downe to eat, and drinke, and rose up to play*. *Thirdly*, as the *Egyptians Oxe* was at last drowned in the riuer: so *Moses* burnt the *molten calfe*, and beat it to powder, and cast it vpon the face of the water, *Exod.* 32. 20. *Deut.* 9. 21. *Ieroboam* afterward, though vpon other inducements, committed the same sin; hee thought in his heart, that if the people did goe vp to *Ierusalem*, and doe sacrifice in the *house of the Lord*, they would reuolt from him, and returne to the *King of Iudah*: whereupon he set vp *two calues*

אין לך
ישראל
פרעניות
שאין בה
אונקיא מעגל
העגל

Moses Gerundensis. Munster. Exod 32.

[k] *Suidas in verbo* Ἄπις.

of

of gold, the one in *Bethel*, the other in *Dan*; ſaying vnto the people, It is too much for you to goe vp to *Ieruſalem*, 1 *King.* 12.28.

Chap. VI.

Of Aſtaroth, Ammonia, Iuno, the Queene of Heauen, Diana of the Epheſians.

AS the *Sunne* was worſhipped vnder many names: So likewiſe the *Moone*. *Aſtaroth* was the *Idol* chiefly of the *Zidonians*, 1 *Kin.* 11.5. 2 *King.* 23.13. ſhee had her *Temple* called the *houſe of Aſtaroth*, in which the *Philiſtims* hanged vp *Sauls*[a] armour after his death, 1 *Sam.* 31.10. That the *Moone* was worſhipped vnder this name needs not[b] proofe: onely [c] ſome ſay that *Aſtarte* was *Iuno*: and why may we not ſay that *Iuno* is often vſed to expreſſe the *Moone*? [d] Both the *Moone* and *Iuno* are often called by the name of *Vrania*. And as the *Moone* in reſpect of her light is called *Vrania*: ſo in regard of the leſſer lights in the heauen, ſhe is called *Aſtroarche*, that is, the [e] *Queene of the Planets*; or as *Horace* ſpeaketh of the *Moone*; *Siderum regina*, The *Queene of the ſtarres*; or laſtly, as *Virgil* ſpeaketh of *Iuno*; *Diuûm incedo regina*, The *Queene of the gods*. It ſeemeth verie probable, that this is that *Queene of Heauen*, of which the *Prophet* ſpeaketh, *Ier.* 7.18. *Ier.* 44.17. Againe, vnto

[a] Horum Anathematum oblationem primò dicit mos ab Iſraelitis. Num. 7. 1 Sam. 21.

[b] Ἀστάρτην δ' ἴσμεν θεὸν οὐδεὶς ἀνθρώπων. Aſtarten Iunonem eſſe opinor. Lucian. de Dea Syria

[c] Auguſt. ſuper Iudic. quæſt. 16.

[d] Aſtarte Vrania idem omnino valet apud Phœnicas, quod Iuno Lucina apud Latinos. Deducitur Vrania ab Hebræo אוֹרָה Nux in fine adiecto a: per ſe ſolum, aut cum Iod, quod poſtſim ſit à Syro, quaſi אוּרְנָא vel אוּרְנְיָא in ſeminino vero אוּרְנִיָּא (i.) Lucidus & Lucida, aut Lucinus & Lucina. Et hinc Græci ſuum ἀφρὸν mutuati ſunt. e Ἀγαθάρχη dicitur, ὅτι τῶν ἄστρων ἀρχὴ, ab imperio quod in aſtra exercet. vid. Herodian. lib. 5.

whom

whom may we imagine thoſe ancient Heathens to haue performed that ſolemne worſhip, which they did on the *Calends*, or firſt day of euerie moneth? was it not to the *Moone*? And yet notwithſtanding it is aſcribed to *Iuno*, [f] whence ſhee is called *Iuno Calendaris*. *Laſtly*, as *Iupiter* [g] *Ammon* was no other than the *Sun*, and worſhipped in forme of a *Ramme*: ſo for ought I ſee, the *Moone* might bee called *Iuno* [h] *Ammonia* and worſhipped in the forme of a *ſheepe*. Sure I am, that the *Hebrew Doctors* deſcribe the images of [i] *Aſtaroth*, to haue been made in the *forme of ſheepe*, and the word *Aſtaroth* in the originall ſignifieth a *flocke of ſheepe*, and the *Moone* might as well be called *Ammonia*, as the *Sun Ammon*, both being ſo called from their *heat*, which in the holy tongue is called [k] *Hammah*, and from thence likewiſe thoſe images (of which wee read *Leuit.* 26. 30. *Iſay* 17. 8. *Iſay* 27, 9.) are called [l] *Hammanim*, becauſe they were certaine *Idols* placed vpon the houſe top, and ſo alwayes expoſed to the *Sunne*. Furthermore, as *Iupiter* [m] *Ammon* was painted with *hornes*, ſo likewiſe was the [n] *Moone*: why they ſhould bee thus painted, many reaſons might be produced, but chiefly three; the *firſt* peculiar to the *Sun*, the other common both to *Sun* and *Moone*. *Firſt*, the *Sun* was painted with *Rams hornes*, becauſe with the Aſtronomers the ſigne *Aries* in the *Zodiak* is the [o] beginning of the yeare. *Secondly*, becauſe as the ſtrength of *horned beaſts* conſiſt in their *hornes*: ſo the vertue and influence of the *Sun* and *Moone*, is deriued into ſublunarie creatures by their *beames*. *Thirdly*, becauſe the light of the *Sun* and *Moone*, makes the reflexion

f *Macrob. Sat. lib. 1. c. 15.*

g *Macrob. Sat. lib. 1. c. 21.*

h *Cal. Rhodigin. l. 18. c. 38.*

i *D. Kimchi, 1 Sam. 31. 10. 11. Iud. 2. 13.*

k חמה *Calor, &c.*

l *R. Solomon in Leuit. 26. 30.*

m ----*ſtat cornigerillic. Iupiter. Lucan. l. 9. verſ. 514.*

n *Syderum regina bicornis audi. Luna puellas. Horat. car. ſæcular.*

o *Pier. hieroglyph. l. 10.*

cornute or *horne-like*. When *Moſes* came downe from *God*, *Aaron* and the people ſaw that his face *ſhined*, *Exod.* 34. the *Latine* reads it, *Facies eius erat cornuta*: and hence it is that *Moſes* is painted with *hornes*, which ſome of the Rabbines haue interpreted [p] *hornes of magnificence*: The errour grew from the doubtfull ſignification of the *Hebrew* word ſignifying *ſplendor* or *brightneſſe*, and alſo *hornes*.

[p] קרני ההוד *cornua magnificentiæ R. Solom. porro Hebraicum* קרן (*vnde Kipas & cornu emanarunt*) *ſignificat in morem cornuum ſplendorem radios q; emittere.*

[q] The *Moone* was alſo worſhipped vnder the name of *Diana*, who although ſhe were worſhipped thorowout all *Aſia*, yet ſhee was had in principall eſteeme among the *Epheſians*, whence aroſe that cry, *Great is Diana of the Epheſians*, *Acts* 19. 28. Her greatneſſe among the *Epheſians* appeareth partly by her *Temple*, which in [r] one place *Plinie* ſaith was two hundred and twentie yeares building, but [r] elſewhere hee ſaith foure hundred yeares: partly from the great gain procured vnto the ſiluer Smiths in making and ſelling *ſiluer Temples of Diana*, *Act.* 19. 24. It is much diſputed what thoſe *ſiluer Temples* were; ſome thinke them to be *little houſes*, or *ſhrines* (ſuch as were for their ſmalneſſe portable) in forme repreſenting the *Temple of Diana*, and within hauing the image of *Diana* incloſed, and in this ſenſe *naiſha* is ſometimes vſed, to ſignifie *cloſets* or *ſhrines wherein images were kept*: others thinke certaine coines or peeces of money, to be called by the name of *Dianaes Temple*, from the ſimilitude of *Dianaes Temple*, engrauen or ſtamped vpon thoſe coines: as in *England* wee call ſome peeces of gold the *George*, others the *Angell*, others the *Thiſtle*, from the impreſſion which they beare. The like cuſtome of naming coines from their Sculpture or impreſſion

[q] *Macrob. Saturnal. lib. 1. c. 15.*

[r] *Plin. lib. 36. 14.*

[r] *Plin. lib. 16. 40.*

impreſſion was not vnuſual among the [t] ancients, neither were ſuch coynes vnuſuall on which the *Temple of Diana* was engraven, and theſe capitall letters added, *DIAN EPHE*. *Theodorus Beza*, in his maior annotations vpon the *Acts*, reporteth that he hath ſeene two of theſe himſelfe.

We reade of another kinde of idolatrous worſhip towards the *Moone*, to haue been [u] that men ſacrificed to her in womens apparell, and women in mens apparell, becauſe they thought the *Moone* to be both *male* and *female*, whence the *Moone* is called by old Authors as well *Lunus* as *Luna*: And *Venus*, whom *Philocorus* affirmes to be the *Moone*, is termed *Deus Venus*, aſwel as *Dea Venus*. [x] Some haue thought that God had reſpect vnto this kind of *Idolatry*, *Deut.* 22.5. where men are forbidden to weare womens apparel, *& è contrà*; but it is more generally and vpon better grounds thought that the promiſcuous vſe of apparell (whereby the diſtinction of ſex is taken away) is there forbidden.

t Similiter prorſus ratione Athenienſiũ nummos quoſdam fuiſſe: eorundem Athenienſium alios quoſdam Κόρας, (i. puellas: alios Corinthiorum πώλους, pullos: alios Peloponneſiorum, χελώνας, teſtudines: alios Romanorum naues vocabant.

u Macrob. Saturnal. lib. 3. cap. 8. Non abſimilem idololatriam in cultu Veneris prodidit Iulius Firmicus de errore profan. religion. cap. 4.

x Maimonid. in more Nebochim part. 3. cap. 38.

Chap. VII.

Of other Gods mentioned in Scripture.

THE *Sunne* and *Moone*, which are the greater lights in the Heauen, I take to haue beene the chiefeſt Idols worſhipped by the *Heathen* people. Notwithſtanding, their blinde deuotion deified alſo the other *Planets*, and that numberleſſe number of *leſſer lights*, called in Scripture *Militia cæli*, *The hoſt of heauen*, whoſe ſeuerall

uerall natures, properties and influences, are not distinctly knowne. In like manner there is an *hoste of Idols* mentioned in holy writ, of whom little or nothing is spoken to the purpose by Authors, more than their very names. Of this nature are those *chambers of imagery*, wherin all formes of creeping things were pourtrayed on the wals, *Ezek.* 8. It may be termed their *Pantheon*.

In those colonies which the *King* of *Ashur* transplanted into *Samaria*, euery one worshipped the *god of his owne nation*. The men of *Babel* made *Succoth Benoth*, the men of *Cuth* made *Nergal*, the men of *Hamath* made *Ashima*, the *Auims* made *Nibhaz* and *Tartak*, the *Shepharuims* burnt their children in the fire to *Adram-melech* and *Anam-melech* the *gods of Shepharuaim*, 2 *Kin.* 17. 30, 31.[a] The *Hebrew Doctors* say that *Succoth Benoth* was the picture of an *hen with her chicken*: *Nergall* they interpret *Gallum syluestrem*; *Asima a Goat*; *Nibhaz a dog*; *Tartak an asse*; *Adrammelech a mule*; *Anammelech an horse*: that such bruit beasts should be worshipped as *gods* may seeme ridiculous; but the like to haue beene practised among the *Heathens*, profane Authors abundantly testifie. The [b] *cocke* was worshipped as *a God* among the *Syrians*; [c] A *goat* by the *Mendesij*; [d] A *dog* by others: yea they haue adopted into the number of their *gods*, [e] *Oxen*, *Lions*, *Eagles*, *Wolues*, *Crocodiles*, *Cats*, *Rats*, *&c.* Nay they haue digged their *gods* out of their gardens, [f] *Garlicke*, *Leekes*, *Onions*, *&c.* To these may be added *Nisroch* which was the *god* of the *Assyrians*, and as it seemeth had his *Temple* at *Ninive*, 2 *King.* 19. *vlt.* and *Esay* 37. *vlt.* *Secondly*, רִמּוֹן *Rimmon*, the word signi-

[a] R. Iarchi. 2 King. 17. R. Dauid non dissentit.

[b] Lucian. lib. de Syr. Dea.

[c] Herodotus in Euterp.

[d] Cic. de legib. lib. 1. vid. Tiraquel. in Alex. ab Alex. lib. 6 It. Diodor. Sicul. lib. 1. 18.

[e] Alex. Neapolit. lib. 6 cap. 26.

[f] Porrum & cepe, nefas violare & frangere morsu. O sanctas gentes quibus hac nascuntur in hortis Numina. Iuuenal. satyr. 15.

ſignifieth a *Pomegranate*. Concerning this Idoll it is much controuerſed, whether *Naaman* ſinned not in ſaying, *The Lord be mercifull vnto thy ſeruant, that when my Maſter goeth into the houſe of Rimmon, &c.* 2 *King.* 5. 18. Reade the words in the *Præter tenſe*: When my *Maſter went* into the houſe of *Rimmon*, the ſenſe appeares to be a pardon craued for ſinnes paſt, not afterward to be committed. The ſame word בבוא *Bebho*, *in going*, is put to expreſſe the *time paſt*, in the titles of the Pſalmes 52. and *Pſalm.* 54. *Thirdly*, *Nebo*, otherwiſe called *Nabo*, an Idoll of the *Aſſyrians*, *Ieremy* 48. 1. He had his name from *prophecy*, נבוא *Nabhi* ſignifying a *Prophet*, he ſeemeth not much to differ from Ζεὺς βουλαῖος, or Ζεὺς μάντις, ſo often mentioned in *Homer*. [a] *Diodorus Siculus* maketh them both one, and we may render *Nebo*, the *Aſſyrians Ammon*, or *Iupiter Vaticinus*, the *god of their Oracles*.

[a] Diodor. Sicul. Lib. 1. 72.

CHAP. VIII.

The ſeuerall manners of diuine Reuelation.

AS *Idolatry* originally ſprang from miſtaking of Scripture: ſo Witch-craft and Sorcery, (which holdeth neere affinity with *Idolatry*) ſeemeth to haue had its firſt beginning from an imitation of *Gods Oracles*. *God ſpake in diuers manners*, *Hebr.* 1. 1. *By Dreames*, *by Vrim*, *by Prophets*, 1 *Sam.* 28. 6, 7. when the Lord would by none of theſe answer *King Saul*, then he ſought to a *Witch*. To theſe might be added *Gods* ſpeaking from betweene the *Cherubims*, his answering by *Viſions*, *An-*

gels and *voices*: but the chiefe manners of reuealing himselfe, obserued by the *Hebrew* Writers, are foure, which they terme [a] *foure degrees of prophecie*, or *diuine reuelation*: somewhat therefore being spoken of these, I purpose to explaine the seuerall sorts of vnlawfull diuinations mentioned in Scripture.

[a] P. Fagius in Exod. 28.

The *first* degree was נבואה *Nebuah*, *Prophecie*. This was, when *God* did by certaine *visions and apparitions reueale his will*.

The *second*, was רוח חקדש *Ruach Hacodesch*, *The inspiration of the Holy Ghost*, whereby the party was enabled, *without visions or apparitions*, to prophecie: some shewing the difference betweene these two, [b] adde that the *gift of prophecie* did cast a man into a trance or extasie, all his senses being taken from him: but the *inspiration of the Holy Ghost* was without any such extasie, or abolition of the senses, as appeareth in *Iob*, *Dauid*, *Daniel*. Both these degrees, as likewise *Vrim* and *Thummim*, ceased in the *second Temple*, whence their ancient *Doctors* say, [c] that after the *latter Prophets Haggai*, *Zachary*, and *Malachy* were dead, the *Holy Ghost went vp, or departed from Israel*. Howbeit they had the vse of a *voice* or *Ecche from Heauen*. In which speech we are not to vnderstand that the *Holy Ghost* wrought not at all vpon the creatures, or that it wrought not then in the sanctification of men as in former times, but that this *extraordinary enabling men to prophecy by the inspiration of the Holy Ghost then ceased*; and in this sense, the *Holy Ghost was said to haue departed from Israel*. Vnto this common receiued opinion, that passage might haue reference, *Acts 19. We haue not so much as heard whether there hath beene an Holy Ghost or no*. That they

[b] D. Kimchi præfat in Psal.

[c] Talmud in Sanhedrim. cap. 1.

they did not doubt the distinction of persons, appeareth cleare, if that be true which [d] some haue noted, that the ancient *Iewes* before *Christ* were so catechised in that point, that they obserued the *mystery of the Trinity* in the name יהוה *Iehouah*, for though the name consisted of *foure letters in number*, whence it was called שם בן ארבעה אותיות *Quadriliterum*, yet there were but *three sorts of letters in the name*: י *Iod* signified the *Father*, who was the beginning of all things: ו *Vau*, is a coniunction copulatiue, and denoted the *third person in Trinity*, which proceedeth from the *Father* and the *Sonne*. ה *He* signified the *Sonne of God*. The *Rabbines* haue a saying, that *God* made all things, *In litera* ה *He*. They may allude to this, that he made all things by his word: hee said, Let there bee thus, and thus, and it was so: but they may also allude to the *second person in Trinity*. And furthermore they note that ה *He*, is doubled in this name, to demonstrate both Natures of our blessed *Sauiour*.

[d] P. Fagius in Exod. 28.

The *third degree*, was *Vrim* and *Thummim*. *Vrim* signifieth light, and *Thummim* perfection. That they were two ornaments in the *High Priests brest-plate*, is generally agreed vpon: but what maner of ornaments, or how they gaue answer, is hard to resolue. [e] Some thinke them to be the foure rowes of stones in the brest-plate, the *splendor and brightnesse* of which foreshewed victory, and by the rule of contraries, we may gather, that the *darknesse of the stones* not shining presaged euill. [f] Others say it was the name *Iehouah*, put in the doubling of the brest-plate, for that was double, *Exod.* 28. 16. [g] Others declare the manner of consulting with *Vrim* and *Thummim* thus. *First*, they say that only the *King*, or else the *Father*

[e] Ioseph. Antiq. lib. 3. cap. 9.

[f] R. Solomon quem admodum refert D. Kimchi in radic.

[g] Talmud in Ioma cap. 6. vid. P. Fagium in Exod. 28.

* Abbuhdar. * *Father of the Consistory* had power to consult, or to propose the matter vnto the *Priest*, and the *Priest* only had power to resolue. Secondly, that the matter proposed must not be triuial, but of moment and great difficulty. *Thirdly*, that this holy writing, termed *Vrim* and *Thummim*, consisted of all the *Tribes names*, and likewise of the *Patriarkes*, *Abraham*, *Isaac*, *and Iacob*; so that no letter of the *Alphabet* was wanting. The question being proposed; Some say that the letters which gaue the answer were בולטות (i.) *they did arise* and *eminently appeare aboue the others*. An example they take from the 2 *Sam.* 2. 1. When *Dauid* asked the *Lord*, Shall I goe vp into any of the Cities of *Iudah*? The *Lord* answered, עלה *Gnaleh*, *Goe vp*. Here, say they, ע appeared out of the name of שמעון *Schimeon*, ל out of the name of לוי *Leui*, ה out of the name of יהודה *Iehudah*. Others say, that the letters which represented the *Oracle* were מזצטרפות (i.) that they did after a strange manner *ioyne themselues into perfect syllables* and intire words, and made the answer compleat. Many other opinions might be reckoned vp, but ♭ he spoke best, who ingenuously confessed that he knew not what *Vrim* and *Thummim* was.

♭ *R. Dauid in radic.*

The fourth degree was בת קול *Bath Kol*, *Filia vocis*, *the daughter of a voice*, or an *Eccho*; by it, is meant a *voice from heauen*, *declaring the will of God*; it tooke place in the *second Temple*, when the *three former degrees of prophetie ceased*: it gaue testimony of our *Sauiour*; Loe a *voice from heauen*, saying, *This is my beloued Sonne in whom I am well pleased*, *Mat.* 3. 17. It was in truth the *prologue*, *preface*, or *type* of

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that true voice of the Father, that *eternall word which reuealed his Fathers will vnto mankinde.*

Theſe were the extraordinary meanes by which *God* reuealed himſelfe to his people of old: ordinarily, he reuealed himſelfe by his *written word*. Notwithſtanding the *Hebrewes* ſay, that the Law, euen from the firſt time of its deliuery vnto *Moſes*, was twofold: the one *committed to writing*, which they call תורה שבכתב *Thora Schebicthab*, the *written Law*: the other *deliuered by tradition*, תורה בעל פה *Thora begnal pe*, it was alſo termed their *Kibbala*, from קבל *Kibbel*, ſignifying *Accipere*, *To receiue or learne*. They ſay both were deliuered by *God* vnto *Moſes* in mount *Sinai*; but this latter was deliuered from *Moſes to Ioſhua, from Ioſhua to the Elders, from the Elders to the Prophets, from the Prophets to thoſe of the great Synagogue, and ſo ſucceſſiuely to after-ages, till at laſt it was digeſted into one booke, containing principally precepts, and directions for thoſe Iſraelites, which inhabited the Holy Land.* It is called *Talmud Ieroſolymitanum*. It was compoſed in *the yeare of our Lord* 230. This becauſe it containeth but a few conſtitutions, is but of little vſe. About 500. *yeares after Chriſt*, then was there a more full and exact collection of their conſtitutions, for direction of thoſe *Iewes* which dwelt in *Babylon*, and other forraine places; this is termed *Talmud Babylonicum*, and is of greateſt vſe among Authors, it containeth the body of *their Ciuill and Canon Law*. This traditionall *Law*, they hold to be as authentique, as their *written word*, and that *Moſes* receiued it from *God*, when he receiued the *Law*, for, ſay they, were it not for this expoſition, the *Decalogue* it ſelfe might

haue beene deliuered * *In hora veloci, In leſſe than an houre.*

* משעה קלה *Moſes Kotſenſis præſat.*

Here wee muſt know that the word *Kabbala*, when it is applied to the *Kabbaliſts*, to difference them from the *Talmudiſts*, is taken in a ſtricter ſenſe, and ſignifieth theſe *ſubtilties*, or *myſteries*, which are obſerued from the different writing of ſome letters in the Scripture, from the *tranſpoſing of them*, from a *myſticall kinde of Arithmetique*, &c. This was neuer wholly committed to writing. Some inſtances we haue, *Gen.* 23. 2. *Abraham came* לספדה *to weepe for Sara.* Here " becauſe the letter *Caph* is leſſe than the reſt, they note that *Abraham wept but a little for Sara*, becauſe ſhe was old. Againe the letter *Aleph* is found ſix times in the firſt verſe of *Geneſis*; hence *R. Elias* collected, that the world ſhould endure but *ſix thouſand yeares*; becauſe *Aleph* in the *Hebrewes computation* ſtandeth for a thouſand. From the *tranſpoſition of letters* they conclude after this manner; חרם *Cherem* ſignifieth an *Anathema* or *Excommunication*; by a *Metathesis* or *tranſpoſition of the letters*, it is made רחם *Rachem* ſignifying *mercy*; by another *tranſpoſition* it is made רמח *Ramach*, which letters in the *Iewes computation* make 248. which in their Anatomy, they finde to be the iuſt number of members in a mans body. Their concluſion hence is; that if *an excommunicated perſon doe truly repent, then his Cherem is turned into Rachem, his curſe turned into a bleſſing: if he doe not repent, then his Cherem entreth into Ramach, the curſe entreth into all his members*, to the vtter deſtroying of the whole man. Againe, איש *Iſch*, ſignifieth *a man*, אשה *Eſcha*, *a woman*. Hence they note, that in the

" Baal Turim.

the *name of the man* there is י *Iod*, which is not in the *name of the woman*; in the *name of the woman* there is ה *He*, which is not in the *name of the man*: both these make יה *Iah*, one of the names of God: these being taken away, in *both names* there remaine אש *Esch*, signifying *Fire*, to shew, that as long as man and wife agree, *God is with them*, but when they disagree, *fire is betweene them*. Thus we see what vaine mysteries their *Kabbalists* observe.

Chap. IX.

Their Teraphim.

COncerning the *Teraphim*, two things are especially to be enquired. *First*, what they were? *Secondly*, for what use? The word תרף *Taraph* signifieth in generall the *compleat Image of a man*. *Michal* tooke an *Image*, (*a Teraphim*) and laid it in the bed, 1 *Sam.* 19. 13. More particularly, it signifieth an *Idoll* or *Image made for ment priuate vse in their owne houses*, so that these Images seeme to haue beene their *Penates* or *Lares*, their houshold *Gods*; wherfore hast thou stollen my *Gods*? *my Teraphim*? *Gen.* 31. 30. And this man *Micah* had *an house of Gods*, and made an *Ephod* and *Teraphim*, *Iud.* 17. 5. Because of the worship exhibited to these Idols, hence from the *Hebrew Taraph*, or as some reade it, *Tharaph*, commeth the *Greeke* [a] προσκυνεῖν, *To worship*. The manner how these *Images* were made, is fondly conceited thus among the *Rabbies*; *They* [b] *killed a man that was a first-borne sonne, and wrung off his head, and seasoned it with salt and spices, and wrote vp-*

[a] —διὸ καὶ τὸ προσκυνεῖν τὸ θεὸν ὀνομάσθη. Hesiod. Epy. ἡμ. ἡμερ.

[b] R. Eliezer. vid. Eliam Thesbit.

on a plate of gold, the name of an vncleane spirit, and put it vnder the head vpon a wall, and lighted candles before it, and worshipped it. With such *Laban* spake, say they. But without controuersie, the *Teraphim* which *Michal* put in the bed, was a *compleat statue or Image of a man.* The vse of these *Images*, was to consult with them as with *Oracles*, concerning things for the present vnknowne, or future to come. To this purpose they were made by *Astrologers* vnder certaine constellations, capable of heauenly influences, whereby they were enabled to speake. The *Teraphims haue spoken vanity, Zach.* 10. 2. And among other reasons, why *Rahel* stole away her Fathers Images, this is thought to be one, That *Laban* might not by consulting with these Images discouer what way *Iacob* tooke in his flight.

e *Aben Esra. Gen.* 35.

Chap. X.

The seuerall sorts of Diuination forbidden.

WE shall find, *Deut.* 18. 10, 11. those *Diuiners*, which are by the Law forbidden, distinguished into *seuen kinds*, not because there were no other, but they were the most vsuall: 1. *An obseruer of times.* 2. *An Inchanter.* 3. *A witch.* 4. *A Charmer.* 5. *A consulter with familiar spirits.* 6. *A Wizard.* 7. *A Necromancer.* To these we may adde an *eighth* out of *Hos.* 4. 12. *consulting with the staffe.* And a ninth out of *Ezekiel* 21. 21. *A consulter with intrals.* 1. The first is קוסם

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An *obseruer of times*,[a] one that distinguisheth times and seasons, saying, *such a day is good, or such a day is naught, such an houre, such a weeke, such a moneth is lucky, and such and such vnlucky, for such and such businesses*: [b] whence those that deriue the word from עין *Gnaÿn*, signifying an *eye* (as if hereby were meant a *Iugler*, or *Impostor who deceiued the eyes of his spectators by casting a mist before them*) vtterly mistake: more pertinently they speake, who deriue it from עונה *Gnona*, signifying *Time*. But of all I approue those who deriue it [c] from ענן *Gnanan*, *A cloud*, as if the originall signified properly a *Planetary*, or *Starre-gazer*. Hereby he is distinguished from the second sort of vnlawfull *Diuiners*, for he also was an obseruer of times; the *first* drawing his conclusions from the *colour or motion of the clouds*: the *second*, from his owne *superstitious obseruation of good and euill euents, happening vpon such and such dayes, such and such times*: the *first* seemeth to haue drawne his conclusions *à priori*, from the *clouds* or *Planets, causing good and bad euents*: the *second à posteriori, from the euents themselues, happening vpon such and such times*. This *Planetary*, when he obserued the *clouds*, seemeth to haue stood with *his face Eastward, his backe westward, his right hand towards the South, and his left hand towards the North*: except it was from this posiure of the *Starre-gazers body* in time of obseruing, I finde no reason why the *Hebrewes* should terme the *Easterne part* of the world קדים *Kadim* (i.) *the former part of the world*: the *westerne part* אחור (i.) The *backe part*, the *South part* ימין *Iamin* (i.) The *right hand*; The *North part* שמאל *Shemol*,

[a] Iarchi Leuit. 19. 26.

[b] D Kimchi in rad.

[c] Abn Ezra Leuit. 19. 26.

Shemol (i) The *left hand*: that the reason of these denominations is, because *Adam* was created with his face toward the *East*, is as vaine, as hard to proue.

2. The second is מְנַחֵשׁ *Menacheſch*, rendred an *Inchanter*; it importeth rather an *Augur*, or *Soothſayer*. The originall ſignifieth ſuch a one *who out of his owne experience draweth obſeruations, to foretell good or euill to come*, as *Soothſayers* doe by obſeruing ſuch and ſuch euents, by ſuch and ſuch flyings of Birds, ſcreechings, or kawings. The *Rabbines* ſpeake in this wiſe: [d] *He is Menacheſch a Soothſayer, who will ſay, becauſe a morſell of Bread is fallen out of his mouth, or his ſtaffe out of his hand, or his ſonne called him backe, or a Crow kawed vnto him, or a Goat paſſed by him, or a Serpent was on his right hand, or a Fox on his left hand, therefore hee will ſay, doe not this or that to day.* This word is vſed, *Geneſ.* 30. 27. *I haue learned by experience*, ſaith *Laban*, that the *Lord* hath bleſſed me for thy ſake. Againe, *Gen.* 44. 5. Is not this the Cup in which my *Lord* drinketh? and whereby indeed he *diuineth*? That is, *proueth or maketh triall or experience what manner of men yee are*: the *Heathen* people were very ſuperſtitious in theſe obſeruations: Some dayes were *Atri*, others *Albi*, ſome *vnlucky*, others *lucky*; on ſome dayes they counted it vnfortunate to begin battaile, on ſome moneths vnfortunate to marry.

[d] D. Kimchi in radic.

Menſe malum Maio nubere vulgus ait.
Ouid. Faſt.

And as they were *ſuperſtitious in obſerving vn-*

lucky

lucky signes, so likewise in the meanes vsed to *auert the euill* portended: the meanes were either *words* or *deeds*. * *Deeds*; thus if an vnlucky bird, or such like came in their way, *they would fling stones at it*: and of this sort is the *scratching of a suspected Witch*, which amongst the simplier sort of people is thought to be a meanes to cure *Witchcraft*. *By words*, they thought to elude the euill, signified by such signes, when they say, Εἰς κεφαλὴν σοὶ, *In caput tuum recidat hoc omen*; *This euill light on thine owne head.*

* Plura ista sunt Irodia superstitiosa vid. apud Theophrastū Character. περὶ δεισιδαιμονίας.

The third is מכשף *Mecasscheph*, *A Witch*, properly a *Iugler*. The originall signifieth such a kind of *Sorcerer who bewitcheth the senses and mindes of men, by changing the formes of things, making them appeare otherwise than indeed they are*. The same word is applied to the *Sorcerers in Ægypt, who resisted Moses, Exod.* 7. 11. Then *Pharaoh* also called *Mecaschphim*, the *Sorcerers*. Now the *Magicians* in *Ægypt*, they also did in like manner with their *Inchantments*. This latter part of the text explaineth what those *Sorcerers* were. In that they are called *Magicians*, it implyeth their *learning*, that they were *wise men*, and *great Philosophers*: the word *inchantments* declareth the *manner of the delusion*, and it hath the signification of such a *slight, whereby the eyes are deluded*, for להטים *Lahatim*, there translated *inchantments*, importeth the *glistering flame of a fire, or sword, wherewith the eyes of men are dazeled*. The *Greeke* version doth not vnfitly terme them φαρμακοὺς, *Vnguentarios, seplasiarios, compounders of Medicines*, or if you please, † *complexion-makers*,

† φαρμακοὺς ἤγουν μυρεψοὺς. Suidas.

makers, such artisens who make men and womens faces with paintings and false complexions. Hence it is that the *Apostle* compareth such *false teachers, who vnder a forme and shew of godlinesse*, leade captiue silly women, to the *Ægyptian Sorcerers, Iannes and Iambres, who resisted Moses*, 2 *Tim.* 3. 8. These two were of chiefe note. In the [a] *Talmud* they are called *Iohanne* and *Mamre*, by [b] *Numenius, a Pythagorean, Iannes* and *Mambres*; by [c] *Pliny, Iamnes* and *Iotape*.

[a] Talmud tract. Menachoth cap. 9.
[b] Origen contra Celsum. lib. 4.
[c] Plin. nat. hist. lib. 30. cap. 1.

The fourth is חובר *Chober, a Charmer.* The *Hebrew* word signifieth *conioyning* or *consociating*; either from the *league* and *fellowship* which such persons haue with the Deuill, or as *Bodine* thinketh, [d] *because such kinde of witches haue frequent meetings, in which they dance and make merry together. Onkelos* translateth such a charmer רטין *Raten, A mutterer*, intimating the manner of these Witcheries, to be by the *muttering*, or soft speaking of some spell or charme. The description of a *charmer* is thus deliuered: [e] *Hee is a charmer who speaketh words of a strange language, and without sense, and hee in his foolishnesse thinketh that these words are profitable: that if one say so, or so, vnto a Serpent or Scorpion, it cannot hurt a man, and he that saith so or so vnto a man hee cannot bee hurt, &c. Hee that whispereth ouer a wound, or readeth a verse out of the Bible: likewise hee that readeth ouer an Infant, that it may not be frighted, or that layeth the Booke of the Law, or the Philacteries vpon a childe that it may sleepe, such are not onely among Inchanters, or Charmers, but of those that generally deny the Law of God, because they make the words*

[d] Bodin. Mag. dæmon. lib. 1. cap. 6.

[e] Maimon. tract. Idolol. cap. 11. §. 10. 12.

of

of the Scripture medicine for the body, whereas they are not, but medicine for the soule. As it is written, Prou. 3.22. They shall be life vnto thy soule. Of this sort was that, whereof [m] Bodinus speaketh, That a childe by saying a certaine verse out of the Psalmes, hindred a woman that she could not make her butter; by reciting the same verse backward, hee made her butter come presently.

[m] Bodin. Mag. dæmon. lib. 2. cap. 2.

The fifth, שואל אוב Schoel Ob, a consulter with Ob, or with familiar spirits. Ob signifieth properly a Bottle, and is applied in diuers places of Scripture to Magicians, because they being possessed with an euill spirit, speake with a soft and hollow voice, as out of a Bottle. The Greeke calleth them Ἐγγαστρίμυθους, [n] Ventriloques, such whose voice seemeth to proceed out of their belly. Such a Diuiner was the Damosell, Act. 16.16. in [o] Saint Augustines iudgement, and is probably thought so by most Expositors, who are of opinion, that the spirit of Python, with which this Damosell was possessed, is the same which the spirit of Ob was amongst the Hebrewes. Hence the witch of Endor, whom Saul requested to raise vp Samuel, is said in Hebrew to haue consulted with Ob; but among the Latine Expositors, she is commonly translated Pythonissa, one possessed with the spirit of Python.

[n] Chrysostom. 1 Cor. 12. Tertullian. adu. Marcion. lib. 4. cap. 25.

[o] August. 2. de doctr. Christ. ca. 23.

The sixth is ידעוני Iiddegnoni, A Wizard; in the Greeke, hee is translated sometimes γνώστης, a cunning man. In both languages hee had his name from knowledge, which either the wizard professed himselfe to haue, or the common people thought him to haue. The Rabbies say, hee was called in

Hebrew from a certaine beaſt named by them [p] Iadua, in ſhape reſembling a man, becauſe theſe wizards when they did vtter their propheſies, held a bone of this beaſt betweene their teeth. This haply might be ſome diabolicall Sacrament or ceremony, vſed for the confirmation of the league betweene *Satan* and the *wizard*. [q] *Prophane* hiſtory mentioneth diuinations of the like kinde, as that *Magicians* were wont to eat the principall parts and members of ſuch beaſts, which they deemed *propheticall*, thinking thereby, that by a kinde of μετεμψυχωσις, the ſoule of ſuch beaſts would bee conueyed into their bodies, whereby they might be enabled for prophecie.

[p] P. Fag. Leuit. 19. *Verum Athenaeus beſtiam hanc vocat* γαστρίμυθα. *vid.* Bodin. Magdemon. lib. 1. cap. 6. pag. 89.

[q] Perer. de Mag. pag. 37.

The ſeuenth is דורש אל המתים *Doreſch el hammethim*, the *Greeke* anſwereth word for word, Ἐπερωτῶν τοὺς νεκρούς, *An inquirer of the dead*, a *Necromancer*. Such diuiners conſulted with *Satan in the ſhape of a dead man*. A memorable example wee finde recorded, 1 *Sam.* 29. There *King Saul* about to warre with the *Philiſtims*, (*God* denying to anſwer him either by *dreames*, or by *Vrim*, or by *Prophets*) vpon the fame of the *witch of Endor*, hee repaired to her, demanding that *Samuel might bee raiſed vp from the dead*, to tell him the iſſue of the warre. Now that this was not in truth, *Samuel*, is eaſily euinced, both by teſtimonies of the learned, and reaſons. *Firſt*, it is improbable, that *God* who had denied to anſwer him by any *ordinary meanes*, ſhould now deigne him an anſwer ſo *extraordinary*. *Secondly*, no Witch or Deuill can diſturbe the bodies or ſoules of ſuch as die in the *Lord*, becauſe they

they rest from their labours, *Reu.* 14. 14. *Thirdly*, if it had beene *Samuel*, he would doubtlesse haue reproued *Saul* for consulting with witches.

The eighth is, שאל מקלו *Scoel maklo*, *A consulter with his staffe*, *Hos.* 4. 12. *Ierome* saith the manner of this diuination was thus: *That if the doubt were betweene two or three cities, which first should be assaulted; to determine this, they wrote the names of the cities vpon certaine staues, or arrowes, which being shaked in a quiuer together, the first that was pulled out determined the citie.* [1] Others deliuer the manner of this consultation to haue beene thus: *The consulter measured his staffe by spans, or by the length of his finger, saying as he measured, I will goe, I will not goe, I will doe such a thing, I will not doe it, and at the last span fell out, so he determined:* This was termed by the Heathens ῥαβδομαντία, or βελομαντία, *Diuination by rods, or arrowes.* [1] *Vid. Druf. in Deut. pag. 593.*

The ninth was ראה כבבד *Roe baecabed, a diuiner by intralls*, *Ezek.* 21. 21. *Nebuchadnezar* being to make warre both with the *Iewes* and the *Ammonites*, and doubting in the way against whether of these he should make his first onset; *First*, he consulted with his *arrowes* and *staues*, of which hath beene spoken immediately before; *Secondly*, he consulted with the *intralls of beasts*. This practice was generally receiued among the *Heathens*, and because the *liuer* was the principall member obserued, it was called ἡπατοσκοπία, *Consultation with the liuer*. Three things were obserued in this kind of diuination. *First* the *colour* of the intrals, whether they were all well *coloured*. *Secondly*, their *place*, whether none were

displaced. Thirdly, the *number*, whether none were *wanting*; among those that were wanting, the want of the liuer or the heart chiefely presaged ill. That day when *Iulius Cæsar* was slaine, it is storied, that in two fat Oxen then sacrificed, the heart was wanting in them both.

THE



THE FIFTH BOOKE.

Of their Conſiſtories.

CHAP. I.

Their Courts of Iudgement, eſpecially their Eccleſiaſticall Conſiſtory.

THere were in *Iſrael* diſtinct *Courts*, conſiſting of diſtinct *perſons*, the one principally for *Church buſineſſes*, the other for *affaires in the common wealth*, the one an [a] *Eccleſiaſticall Conſiſtory*, the other a *Ciuill iudicatory*: of theſe, and their ſeuerall cenſures, and puniſhments, it remaineth now to be ſpoken.

[a] *Iunius Analyt. Exp. Deut. 17.*

Theſe different conſiſtories or *Courts* of iuſtice, we finde firſt diſtinguiſht, *Deut.* 17. 12. *He which will not hearken vnto the Prieſt or vnto the Iudge.* Where the people of *Iſrael* are directed, in what caſes, and to what perſons they ſhould make their appeales from inferiour *courts*; Namely, to the

Prieſt in matters ſpirituall, or ceremoniall; and to the *Iudge in matters ciuill or criminall*. Theſe two *Courts* are more plainly diſtinguiſhed, 2 *Chron.* 19. where *Iehoſaphat* reforming many abuſes in *Church* and *Common-wealth*, firſt appointed thorowout all the fenced cities of *Iudah*, *ſecular Iudges* to determine criminall cauſes, *verſ.* 5. And at *Ieruſalem* he appointed a *ſpirituall Court* conſiſting of *Leuites*, *Prieſts*, *and the chiefe Fathers of Iſrael*, *verſ.* 8. And in cauſes ſpirituall for the *Lord*, *Amariah* the *high Prieſt* was chiefe: in cauſes criminall for the *King*, *Zebediah* was chiefe, *verſ.* 11. likewiſe the *Prophet Ieremiah* is condemned to die, by the *conſiſtory of Prieſts*, *Ier.* 26. 8. But by the *conſiſtory of Princes*, *or ſecular Iudges*, *ſitting in the gate*, he was abſolued and diſcharged, *verſ.* 16. yea, although the tyranny of *Antiochus*, and the troubleſome times enſuing had bred ſuch a confuſion in matters of gouernment among the *Iewes*, that an euident diſtinction can hardly be found in the *New Teſtament*: yet ſome footſteps and imperfect tokens of both Courts are there obſeruable, principally, *Matth.* 21. 23. *It. Matth.* 26. 3. The *chiefe Prieſts*, and the *Elders* of the people, are named as two *diſtinct Conſiſtories*: and each Conſiſtorie ſeemeth to be differenced by its proper name; the *ſecular Conſiſtorie* termed συνέδριον, *A Councell*: the *ſpirituall* termed συναγωγὴ, *A Synagogue*. *They will deliuer you vp to the Councells*, *and they will ſcourge you in their Synagogues*, *Matth.* 10. 17. Hence that great aſſembly of *Prophets* and holy men, called together by *Eſra*, for the reformation of the *Church*, after their returne from *Babylon*,

it

is called *Synagoga magna, Their great Synagogue.*

The office of the *Eccleſiaſticall Court*, was to put a difference betweene things *holy and vnholy*, and betweene *cleane and vncleane*, *Leuit.* 10. 10. and to *determine appeales in controuerſies of difficultie.* It was a *repreſentatiue Church.* Hence is that, *Dic Eccleſiæ*, *Matth.* 18. 16. *Tell the Church*, becauſe vnto them belonged the *power of Excommunication*, the ſeuerall ſorts of which cenſure follow in the next Chapter.

Onely here take notice, that as in the *Ciuill Conſiſtories*, conſiſting of *ſeuenty Iudges*, which was the ſupreme Court, there were two ſate as chiefe, namely one whom they termed *Naſi*, the *Lord chiefe Iuſtice*; and the other, whom they termed *Ab beth din*, the *Father of the Senate*: ſo in the *Eccleſiaſticall Conſiſtory*, the *high Prieſt* and his *Sagan*, or *ſecond high Prieſt*, ſate chiefe there, 2 *King.* 23. 4. [b] That the *high Prieſt* ſate in the *Sanhedrim* neceſſarily is an errour, for hee was not elected into that company, except he were a man of extraordinary wiſdome. Againe, note that ſometimes both *Conſiſtories* aſſembled together, as often as the matters to be determined, were partly *Ceremoniall*, partly *Ciuill*, partly belonging to the *Church*, partly to the *Common-wealth*: which being not noted, cauſeth the *Courts* not to bee diſtinguiſhed by many Expoſitors. This meeting and joyning of both *Conſiſtories* often appeareth in the *Goſpell.* The *chiefe Prieſts* and the *Elders* meet together.

[b] *Moſes Kuſens. in Sanhedrim.*

CHAP.

Chap. II.

Of their Excommunication.

THey had three *degrees of Excommunication.* The firſt was called in the *N.T. a caſting out of the Synagogue, Ioh. 9. 22.* by the *Iewes* [a]*Niddui* (i.) *a ſeparation*, or *putting away.* [b] It ſignified *a ſeparation from all commerce or ſociety with any man or woman* for the diſtance of *foure cubits*; alſo *from eating or drinking with any*; *from the vſe of the mariage bed*; *from ſhauing, waſhing*, or *the like*, according to the pleaſure of the *Iudge*, and the quality of the offence: It was of force *thirtie dayes*, yet ſo that they might be ſhortned vpon repentance. He that was thus *excommunicated* had power *to bee preſent at Diuine ſeruice, to teach others, and learne of others*; *he hired ſeruants, and was hired himſelfe*, but alwayes on condition of the foreſaid *ſeparation.* If he remained impenitent, according to the pleaſure of the *Iudge*, his puniſhment was increaſed, either to the doubling or the tripling of the time, or to the extending of it to his liues end; his male children were not *circumciſed*; if he died without repentance, then by the ſentence of the *Iudge*, a *ſtone* was caſt vpon his *coffin*, or beire, to ſhew that he was worthy to be *ſtoned.* They mourned not for ſuch a one with ſolemne lamentation, they followed him not vnto the graue, nor buried him with common buriall.

[a] נדוי Significat hæc vox Separationem, Elongationem, deducitur à verbo נדה Separauit. Hinc etiam proſcriptus, profligatus, aut ſeparatus quiſpiam dicitur מנודה

[b] Buxtorf. ex Rabbinis Epiſtol. Hebr. pag. 55.

The

The ſecond was called in the *N.T. a giuing one ouer to Satan*, 1 *Cor.*5.5. By the *Iewes* חרם *cherem*. For the better vnderſtanding of this word, wee muſt know, that it is not vſed in this ſenſe in the *Old Teſt.* There we ſhall finde it applyed to *perſons*, or to *things*; if to *perſons*, then it ſignifieth *a deuoting of them to God by their death*, *Leuit.* 27.29. If to *things*, then it ſignifieth *a deuoting of them vnto God*, by ſeparating them from ordinary vſe: hence it is that *Achan* is puniſht for ſtealing the *deuoted thing*, *Ioſh.*7. [a] *Perſons* thus *deuoted* were termed by the *Greekes* ἀναθέματα, and *deuoted things*, ἀναθήματα. Notwithſtanding, in the *Apoſtles* time, both *Cherem*, and ἀνάθεμα, ſignified *a ſecond degree of Excommunication*, differing from the former; *Firſt*, becauſe it was not done in a *priuate court*, but publiſhed in the audience of the *whole Church*. *Secondly*, maledictions, and curſes were added out of the law of *Moſes*. At the publiſhing hereof candles were tinned, and when the curſes were ended, they put out the candles, in token that the excommunicate perſon was *depriued the light of heauen*. This kinde of *excommunication* was exerciſed againſt the *inceſtuous perſon*, 1 *Cor.*5.5. And againſt *Hymenæus*, and *Alexander*, 1 *Tim.*20.25.

[a] *Budæus* ἀναθήματα dicit tradit, homines ſacros, (i.) quorum capita inferis dicata ſunt & deuota: ἀναθέματα verò donaria Dis conſecrata.

The third was called in the *New Teſt.* by the *Syriake* name *Maranatha*, 1 *Cor.*16. that is, *the Lord commeth*. *Maran* ſignifieth *the Lord*, and *Atha*, *commeth*, and this they ſay was inſtituted by *Enoch*; *Iud.*14. The *Iewes* called it *Schammatha*, the Etymologie of which word I finde to bee twofold. Some ſay it ſoundeth as much as *Maran-atha*,

the Lord commeth, [a] *Schem* signifying the *Lord*, and *Atha commeth*: [c] others say it soundeth, *There is death*, *Scham* signifying *there*; and *Mitha*, *death*. Hence wee may render it an *excommunication to death*. [f] And this is thought to be the reason of that phrase, 1 *Ioh.* 5. 16. *There is a sinne vnto death*, (i.) wh c'i deserueth *excommunication to death*. [g] *R. Gersom* forbade the breaking open of letters, vnder the penalty of all three sorts of *excommunication*. And this was termed *Excommunicatio in secreto nominis tetragrammati*: see the forme hereof in the *Chapter of the Sadduces*.

In the *Greeke Church* there were [h] *foure degrees of this censure*. 1. Σύνταξις. Those were censured with *this degree*, who were onely *barred the Lords Table*: as for entrance into the *Church*, hearing the Word, praying with the congregations, they enioyed equall liberty with *other Christians*, they might stand by and behold others receiue the *Sacrament*, but themselues did not partake thereof, whence they were called *Stantes*. 2. ὑποπτώσεις, concerning this censure, all that I reade of it is thus; That hee that is *thus censured*, hath admittance into the *Church*, [i] but his place must be *behinde the pulpit*, and he must depart with the *Catechumeni*, that is, such *Pagans* who were gained to the *Christian* faith, but not fully admitted into the *Church*, because they wanted Baptisme, and therefore that they might not pray promiscuously with other *Christians*, there was a place behinde the *Quire of the Church*, in manner of cloysters, allotted to them, and was from them called [k] *Catechumenium*: This

[a] שם Dominus, אתא venit.
[c] Elias Thisbites in radice. שמתא
[f] Bertram de Politia Iudaic. cap. 2. pag. 21.
[g] Buxtorf. Epist. Hebr. p. 59. in dorso Epistolæ subiit solebat hæc abbreviatura. אסור ברגמה i. prohibitum est per anathema R. Gersom luminis captivitatis (sibi resignare has literas.)
[h] Vid. Iustell. notas in codicem canonum Eccles. universal. ad canon. 25. Bellar. de pœnit. lib. 1. c. 22. & Casaub. Exercit. pag. 552. observant quintum gradum, quem ille μύησιν, alter μίξιν appellat.
[i] Vid. Iust. l. loco citato.
[k] Hospin. de Templis, pag. 88.

I

I take to be the place for this *ſecond degree of Excommunication*, ſo that the force of this cenſure I thinke to conſiſt in theſe three things. Firſt they were *barred the Lords Table*. Secondly, they might *not ſtand by at the adminiſtration of the Lords Supper*, (which was allowed in the firſt degree) and this appeareth clearely, becauſe the *Catechumeni departed alwayes at the celebration of the Communion*; for to them principally it was ſaid, *Ite miſſa eſt*. Thirdly, though they might γονυπετεῖν, *fall downe on their knees and pray*, and were thence called *Succumbentes*, yet this they might not doe in the congregation, but only in that place *behinde the Quire or Pulpit*, which was allotted to the *Catechumeni*, and in this alſo this *ſecond degree* differeth from the *firſt*. The third ſort of cenſure was ἀκροᾶσις, the party *thus cenſured* was permitted to come no further than the *Church porch*, where it was lawfull for him to heare the Scriptures read, but not to ioyne in prayer, nor to approach the *Lords Table* whence ſuch were termed *Audientes*. The fourth and laſt ſort was ὑποπίπτοντες; perſons vnder *this cenſure*, ſtood quite without the *Church*, requeſting thoſe that entred in, with teares and weeping, to petition the *Lord* for mercie toward them, whence they were called *Ploantes*.

Seeing it is commonly thought, that *Cain* was cenſured by the *firſt degree of Excommunication* called *Niddui*, and that the laſt called *Schammatha* was of *Enochs conſtitution*; both theſe being of ſuch antiquity, I dare not ſay, that the *three degrees of Excommunication* were borrowed from the *three*

sorts of vncleanneſſe, which excluded people out of the *three* [1] *camps*, though there was an obſeruable proportion betweene them. *Niddui*, may bee paralleld with the excluſion out of the *campe of God alone*, which befell thoſe that were defiled by touch of the dead: *Cherem* may be compared to the excluſion out of the *campe of God, and the campe of Leui*, which befell thoſe that were defiled of an iſſue. *Schammatha* may be compared with the excluſion out of *all three camps, the campe of God, the campe of Leui, and the campe of Iſrael*, this befell thoſe that were defiled of leproſie, and from the *Iewes* it is probable that the *Greeke* and *Latine Churches* borrowed their *degrees of Excommunication*.

[1] De quibus P. Fagius in Num. 5. 2.

CHAP. III.

Their ciuill Conſiſtories, what perſons were neceſſarily preſent in them.

IN many things, men might bee ſinfull in reſpect of *Gods Law*, though not liable to puniſhment, in reſpect of *mans*; *thou ſhalt not auenge, nor be mindfull of wrong*, *Leuit.* 19. 18. which the *Hebrewes* explaine thus, *To auenge*, is to deny a good turne to one who formerly denied him. To *bee mindfull of a wrong*, is to doe a good turne to one who formerly would not doe ſo much for him; but at the doing thereof, to vpbraid the other of his vnkindneſſe. They illuſtrate it thus: when *Ruben* ſaith to *Simeon*, Lend me thy hatchet; hee anſwereth,

answereth, I will not lend him: Afterward *Simeon* hath need to borrow an hatchet of *Ruben*, and saith vnto him, Lend me thy hatchet; *Simeon* saith vnto him, I will not lend him, thou wouldst not lend me thine: this is נקימה *Nekima*, *Auengement*. Now when *Ruben* saith to *Simeon*, Lend mee thy hatchet; he answereth, I will not lend him; afterward *Simeon* borroweth an hatchet of *Ruben*, *Ruben* saith, Loe I will lend it thee, I will not deale with thee, as thou dealtest with me, this is נטירה *Netira*, *Mindefulnesse*: both these were sinfull, but not liable to mans iudgement.

In all *ciuill Courts*, fiue sorts of persons were alwayes present. 1. *Iudges*. 2. *Officers*. 3. *Pleaders*. 4. *Notaries*. 5. *witnesses*. In the *supreme Court* there was one that was chiefe ouer all the other *Iudges*, they called him in *Hebrew Nasi*; in *Greeke*, ἀρχοντα, *The Prince*. His leaue was craued for the triall of actions: The *witnesses* were at least two, *Deut.* 19. 15. If they were false, they punisht them with a *Talio*, the same punishment which he intended against his brother, *Deut.* 19. 19. The *Notaries* were two, [a] one stood on the *right hand to write the sentence of absolution*, and what was spoken in defence of the partie; the other stood on the *left hand*, *to write the sentence of condemnation*, and the obiections against the party. [b] *Drusius* thinks that *Christ* speaking of the last iudgement, had reference to this; *Hee shall set the sheepe on the right hand, and on the left the goats*, *Matth.* 25. 23. The *Officers* were in manner of *Sheriffes*, they were present to execute what the *Iudges* determined, whence they

[a] *Mosis Kotsens. in Sanhedrim.*

[b] *Drus. præterit. Matth.* 25.

* Mosis Kotsens. in Sanhedrim.

they carried vp and downe their * staues and whips, as the *Consuls* at *Rome* had *rods* and *axes* carried before them, for the readier execution of iustice In *Hebrew* they are called שוטרים *Schoterim*, by the septuagint sometimes γραμματεῖς; in our *English* translation commonly *Officers*, and by Saint *Luke* πράκτορες, for doubtlesse there is allusion vnto them, *Luk.* 12.58. When thou goest with thine aduersarie (ἀντιδίκου) to the *Magistrate* as thou art in the way, giue diligence that thou mayest be deliuered from him, lest he hale thee to the *Iudge*, and the *Iudge* deliuer thee to the *Officer*, &c. The *Pleader* was called בַּעַל רִיב *Baal rib*, he stood on the *right hand* of the party cited into the *Court*, whether he pleaded for, or against him. The *Lord* shall stand on the right hand of the poore, to saue him from those that iudge his soule, *Psalm.* 119.31. that is, the *Lord shall plead his cause*. And *Satan* stood at the *right hand* of *Iosh*ua, *Zach.* 3.1. that is, *to accuse him, or plead against him*. When Saint *Iohn* speaketh, *If any man sinne, wee haue an aduocate*, 2 *Iob.* 2.1. he alludeth vnto this *Baal rib*, or *Pleader*, The *Iudges*, they examined and determined matters, and after examination, sentence was pronounced by the *Iudge* in this manner; *Tu N. iustus, Tu N. reus. Thou Simeon art iust, Thou Ruben art guilty*: at the pronunciation of which, the guilty person was dragged to the place of execution: *when hee shall be iudged, let him be condemned*, *Psalm.* 109.7. the *Hebrew* is, *Let him goe out wicked.*

The manner of sentencing persons, varied in most countries. The *Iewes* by a simple pronunciation

tion of ſentence, both abſolued men, and condemned them. The [c] *Romans* gaue ſentence by caſting in tables, into a certaine box or vrne prepared for the purpoſe: if they abſolued any, they wrote the letter *A*, in the table, it being the firſt letter of *Abſoluo*: if they would condemne any, they caſt in a table with *C*, written in it, which is the firſt letter of *Condemno*. If the matter were hard to determine they would caſt in other tables with *N. L.* ſignifying *Non liquet*. The [d] *Grecians* in like manner vſed three letters, Θ was a token of *condemnation*, which occaſioned that of *Perſius*,

Et potis es nigrum, vitio præfigere theta.

T was a token of *Abſolution*; Λ of *ampliation*. Others ſignified *condemnation*, by giuing a *blacke ſtone*; and *abſolution*, by giuing a *white ſtone*.

Mos erat antiquis, niueis atriſq; lapillis,
Hos damnare reos, illos abſoluere culpa.
Ouid. Metamor. 15.

To this there ſeemeth to be alluſion, *Reu. 2. 17.* To him who *ouercommeth*, I will giue a *white ſtone*, that is, I will *abſolue* and *acquit* him in the day of iudgement.

[c] *Roſin. Antiq. Rom. l. 9. c. 24.*

[d] *Eraſm. Adag. Θ præfig.*

Note theſe three phraſes, ἀναστῆναι εἰς κρίσιν, *To riſe vp to iudgement*; ἀνασταίνειν ἐν κρίσει, *To riſe vp in iudgement*; ἐξελθεῖν νικῶντα καὶ νικήσαι, *To depart guilty*. The *firſt*, is applied *to the Iudge* in the execution of iuſtice. *when God roſe vp to iudge, Pſalm. 76. 10.* That is, *to execute iudgement*. The *ſecond*, is applied *to the party preuailing in iudgement*. *The men of Niniue ſhall riſe vp in iudgement with this generation, Matth. 12. 41.* That is, *ſhall be iuſtified before this generation*.

The

The *last*, is applied *to the partie condemned*, *Psalm.* 109.7. *Let him depart guilty or wicked. The vngodly shall not stand in iudgement*, *Psalm.* 1. The like phrases were in vse among the *Romans*, *Stare in Senatu*, *To preuaile in the Senate. Causâ cadere*, *To bee cast in ones suit.* But these phrases among the *Romans*, I thinke to haue beene taken out of their Fence-schooles, where the set positure of the body, by which a man prepareth himselfe to fight, and graple with his enemie, is termed *Status*, or *Gradus*, as *Cedere de statu*, *To giue backe*, *Gradum, vel statum seruare*, *To keepe ones standing:* and from thence haue those elegancies beene translated into places of iudgement.

Chap. IV.

The number of their ciuill Courts.

THeir ciuill Courts were two, סנהדרים גדולה *Sanhedrim gedola*, the *great Consistory*, or *supreme Senate*, סנהדרים קטנה *Sanhedrim Ketanna*, the *lesser and inferiour Court.* Thus I finde them diuided generally by the *Rabbines*, and although the latter was subdiuided as will after appeare; yet in old time, there were onely two first branches, which diuision our *Sauiour Christ* seemeth to haue followed, calling the lesser court κρίσις, by the name of *Iudgement:* the greater συνέδριον, by the name of a *Councell.* Whosoeuer is angry with his brother vnaduisedly, shall bee culpable

pable of *Iudgement*. Whosoeuer saith vnto his brother *Raca*, shall be worthy to be punished by the *Councell*: whosoeuer shall say *foole*, shall be worthy to be punished with the *fire of Gehenna*, *Matth.* 5. In which words, as there is a *gradation of sinne*, 1. *Anger*, a passion of the minde. 2. *Raca*, [e] scornefull or slighting speech, as *Tut*, *Tush*, *&c.* 3. *Foole*, reproachfull and approbrious names: So likewise there is a *gradation of punishment*. 1. *Iudgement*, a lesser court. 2. *Councell*, the greater court. 3. The *fire of Gehenna*: Now *Gehenna* was a valley, terrible for two sorts of fires in it; *First*, for that wherein men burnt their children vnto *Moloch*. [f] *Secondly*, for another fire there continually burning, to consume the dead carcasses, and filth of *Ierusalem*; partly for the terriblenesse of the first, and partly for the contemptiblenesse of the place by reason of the second fire, it was a *type of hell fire it selfe*. We may resolue that text thus, *Anger* deserued the punishments of the *lesser court*. *Raca*, the punishment of the *greater*: And *Foole*, deserued punishments beyond all courts, euen the *fire of Gehenna*.

e *Raca non grandis alicuius est sermo conuicii, sed magis è contemptu rerum est, & neglectu dicentis. Chrysost. homil. 16. in Mat.*

f *David. Kimchi Psal. 27. 13.*

The *greater court* by way of excellency, was called the *Sanhedrim*, which word came from the *Greeke* συνέδριον, *a place of iudgement*: It was also called בית דין *Beth din*, *the house of iudgement*. It was distinguished from the other *Courts*, *first*, in respect of the *number* of the *Iudges*, which were [g] *seuenty one*; according to the command of *God* to *Moses* at their first institution, *Numbers* 11. 16. Gather vnto mee *seuentie* men of the *Elders* of *Israel*, whom thou knowest that they are the

g *Moses Kotsens. fol. 186. col. 2.*

Elders of the people, and gouernours ouer them, and bring them vnto the tabernacle of the congregation, and let them ſtand there *with thee*. From the latter words of this Text, it is obſerued that there were *ſeuenty* beſides *Moſes*, and therefore after his deceaſe, they alwayes choſe one *chiefe Iudge* in his roome, not reckoning him among the *ſeuenty*, they called him *Naſi*, the *Prince* or *chiefe ouer the ſeuenty*. Theſe *ſeuenty* are [h] thought to bee choſen ſix out of *euery Tribe*, ſaue the *Tribe of Leui*, out of which onely *foure* were choſen. [*] Others thinke the manner of their choiſe was thus; Six of euery tribe had their names written in little ſcrolles of paper, in ſeuenty of theſe ſcrolles was written זקן *Zaken*, *Senex*, an *Elder*; in the two other חלק *Chelek*, *Pars*, A *Part*; theſe ſcrolles they put in a pitcher or vrne, and thoſe that pluckt out a ſcroll wherein *Elder* was written, were counted amongſt the number of the *Iudges*: thoſe that pluckt out the other ſcrolles, in which a *Part* was written, they were reiected, *Numb.* 11. 26. The ſenior of theſe *ſeuenty* was called אב בית דין *Ab beth din*, the *Father of the Iudgement Hall*. The [i] whole ſeat or *bench of Iudges*, ſate in manner of an halfe circle, the *Naſi* ſitting in the middeſt aboue the reſt, the *others* ſitting round about beneath, in ſuch manner that the *Father of the iudgement Hall* ſate next to the *Naſi* on the right hand. The *leſſer conſiſtory* was ſubdiuided into two ſorts, one conſiſted of *twenty three Aldermen*, and two ſuch *Conſiſtories* there were in *Ieruſalem*, the one at the *doore of the Court before the Temple*, the other at the *doore of the mountaine*

h *Franc. Iunius Anatyic. expoſ. Num.* 11.
* *Selden. Iuris.*

Num. 11. 26.
i *Moſes Kotſenſ. fol.* 186. *col.* 2.

taine of the Temple: yea, in every City thorowout Israel, where there were sixscore housholders, such a Consistory was erected: the other sort of *lesser Courts* consisted onely of a *Triumuirat*, *three Aldermen*: and this was erected in the lesser Cities, which had not the number of sixscore householders.

The [k] second difference betweene the *greater Consistorie* and the *lesser*, was in respect of the *place*. The *seuenty* sate onely at *Ierusalem* within the *Court of the Temple*, in a certaine house called לשכת הגזית *Listhath hagazith*, *The paued chamber*, because of the curious cut stones wherewith it was *paued*: by the *Greekes* it was called λιθόστρωτον, *the pauement*. *Pilate* sate downe in the iudgement seat, in a place called the *Pauement*, *Ioh.* 19. 13. The other *Consistories* sate all in the *gates of the Cities*. Now because the gates of the Citie are the strength thereof, and in their gates their Iudges sate; hence is that, *Mat.* 16. 18. *The gates of hell* shall not ouercome it, that is, neither the *strength*, nor *policie of Satan*.

[k] *Maim. Sanhed. ibid.*

Lastly, they differed in respect of their *power and authority*: the *Consistorie of seuenty* received [l] *appeales* from the other *inferiour Courts*, from that there was no appeale: againe, the *Consistorie of three* sate not on life and death, but onely on petty matters, as whipping, pecuniary controuersies, and such like; the other of *twenty three* sate on life and death, but with a restrained power, they had not authority to iudge an *whole tribe*, *the high Priest*, *false Prophets*, and other such weighty matters:

[l] *Deut.* 17. 8.

this belonged onely to the *seuenty in Ierusalem*:

m *Cunaeus de rep. Hebr. pag. 109.*

m Hence is that, *O Ierusalem, Ierusalem, which killest the Prophets, Luk.* 13.34. The meanes how they tryed *a false Prophet* was thus, they obserued the *iudgements* which he threatned, and the *good* which he propheſied to a place, if the iudgements tooke not effect, this did not argue him a *false Prophet*, becauſe *God* was mercifull, as in the caſe of *Ezekiah*, and the people might repent, as the *Niniuites* did: but if he propheſied *good*, and that came not to paſſe, they iudged him a *false Prophet*. The ground of this triall they make the words of *Ieremiah*, *The Prophet which propheſieth of peace, when the word of the Lord ſhall come to paſſe, then ſhall the Prophet bee knowne, that the Lord hath truly ſent him, Ier.* 28.9.

The *College* or company of theſe *ſeuenty*, exerciſed iudgement, not onely vnder the *Kings* and *Iudges*, n but their authority continued in times of vacancies, when there was neither *Iudge* nor *King* to rule *Iſrael*, and it continued vntill o *Herod* put them downe, and deſtroyed them, to ſecure himſelfe of the Kingdome.

n *P. Galatin. lib. 4. cap. 5.*

o *Ioſeph. Antiq. lib. 14. cap. 17.*

Here ſome may obiect, that there were no ſuch *Courts*, or their liberty much infringed in *Samuels time*: For he went from yeare to yeare in circuit to *Bethel*, and *Gilgal*, and *Mizpeh*, *and iudged Iſrael in all thoſe places*, 1 *Sam.* 7.16. To which I take it, wee may ſay, that as the *Emperours* of *Rome* had power to ride Circuits, and keepe Aſſiſes, which was done without any infringement of the liberties of their *Senate*: So the *Kings* and *Iudges* in *Iſrael* had the like power, and yet the authority of their Courts

Courts ſtood firme. This kinde of iudging by keeping of Aſſiſes, the *Romans* termed βηλὼ κυκλικὸν, the the other βηλὼ σύγκλητον.

Chap. V.

Properties required in Iudges, and the manner of their election.

THe Law of *God* required theſe *properties* in *Iudges*; 1. *Wiſdome.* 2. *Vnderſtanding.* 3. *Integrity.* 4. *Courage, Deut.* 1. 13. Others are reckoned, *Exod.* 18. 21. namely, 5. *The feare of God.* 6. *Loue of truth.* 7. *Hating of couetouſneſſe:* to theſe may be added the eighth, namely, *hauing no reſpect of perſons, Deut.* 1. 17. Theſe two laſt eſpecially, the *Heathens* required in their *Iudges:* whence the [a] *Thebans* painted *Iuſtice without hands,* [a] *Plutarch. de Iſide.* *and without eyes,* to intimate that *Iudges* ſhould receiue *no gifts,* nor be ſwayed with *ſight of perſons.*

The [b] *Iewes* added many more. 1. *That they* [b] *Moſes Kotſenſ. in Sanhedrin.* *ſhould be free from all blemiſh of body.* 2. *That they ſhould be skilled in the ſeuenty languages, to the intent that they might not need an interpreter in the hearing of Cauſes.* 3. *That they ſhould not be farre ſtrooken in yeares; which likewiſe was required by the Romans in their Iudges, as appeareth by that common adage, Sexagenarius deponte.* 4. *That they ſhould be no Eunuches, becauſe ſuch commonly were cruell.* 5. *That they ſhould be Fathers of children, which they thought was a ſpecial motiue to mercy.* 6. *That they ſhould be skilful in*

Magicke, without the knowledge of which, they were not able to iudge of Magicians.

That there might be a ſufficient ſupply of able men to ſucceed in the roome of the *Iudges* dying, there ſate [c] three benches of others beneath, whom they called [d] *Talmidi Chacamim, Schollers of the wiſe men*: out of theſe they made their election, and two of theſe alwayes accompanied the condemned perſon to the place of execution.

[c] *Moſes Kotſenſ. ibid.*

[d] תלמידי חכמים *Diſc. ſui ſapientum.*

Their *inauguration of Iudges* was *twofold*. At firſt, by *impoſition of hands* vpon the head of the party, after the example of *Moſes laying hands on Ioſhua*: this *impoſition of hands* was not held lawfull, [e] except it were in the preſence of *fiue* or *three Iudges* at the leaſt. Afterwards it was by *ſaying a certaine verſe*. [f] Loe *thou art aſſociated, and power is giuen thee to iudge of penalties*. Hence is that ſaying of *Galatinus* out of the *Talmud*, *Inſtitutio Iudicum, aut manu fiebat, aut nomine tantum.*

[e] *Petr. Galatin. lib 4 cap 5.*

[f] הרי את סמוך ויש לך רשות לדון אפילו ריבי קנסות *Maimon. in Sanhedrin. cap. 4.*

Obſerue here, that *Samuc*, which I render *aſſociated*, doth not alwayes ſignifie a man licenſed to the diſcharge of ſome publique office by *the impoſition of hands*; for here it is applyed to thoſe, who were *not admitted by impoſition of hands*. No, the reaſon why theſe words *Semica*, and *Semicuth*, are generally by all Expoſitors, *Iewes* and *Chriſtians*, tranſlated the *impoſition of hands*, is becauſe this ſolemne kinde of licenſing termed *Semica* or *Semicuth*, was in old time vſed onely towards two ſorts of men in their admiſſion, towards *Rabbies* and towards *Iudges*; which kinde of permiſſion, becauſe it was not performed towards either of them with-

without this ceremonie of *impoſing hands*; hence theſe two words haue beene tranſlated the *impoſition of hands*, whereas properly they ſignifie nothing elſe, but *an aſſociation, an approximation, or coniovning of one into the ſame corporation or company, of which he that doth aſſociate and giue admiſſion, is a member.*

CHAP. VI.

Ceremonies common in all capitall iudgements.

IN their greater puniſhments which depriued of life, ſome *ceremonies* were *common* to them all.

Firſt, the Iudges were to vſe deliberation in all cauſes, but eſpecially in matters capitall. There were foure cauſes, ſaith [a] *Ionathan* in his *Targum*, that came before *Moſes* (he nameth none in particular, but what they were, wee ſhall preſently learne out of other records) *two* of theſe were *not weighty:* in theſe he *haſtened*; *two more materiall*, concerning life and death; in theſe hee delayed. [b] *Cæterum tàm de his, quàm de illis dicebat, Non audiui. Of both the lighter, and weightier cauſes, Moſes ſaid, I haue not heard*, to wit, from the *Lord:* to ſhew that a deliberation and conſultation as it were with *God*, ought to be *in all indgements*, before ſentence be pronounced, theſe foure cauſes are named in [c] *other Records*. The *two lighteſt are*,

[a] *Targum Ionath. Num. 9. 8.*

[b] רבאלין רבאלין אמר משה לא שמעית

Ionath.

[c] *Targum Hieroſol. Num. 9. 8.*

1. *The*

1. *The matter of vncleanneſſe, debarring the people from the Paſſeouer, Num.9.9. Secondly, the caſe of Zelophehads daughters, Num.36.10. The two weightier are,* 1. *The cauſe of the blaſphemer, Leuit.24.13. Secondly, the caſe of him that gathered ſtickes on the Sabbath, Num.15.35.* In all theſe iudgements there is, *The Lord ſpake vnto Moſes.* And in the firſt, which was counted among the lighter cauſes (becauſe it was not on life and death) euen there doth *Moſes* in a ſolemne manner beſpeake the people to ſtand ſtill, *Et ego audiam, And I will heare what the Lord will command.* Notwithſtanding *wilfull delayes in iuſtice* maketh the *Iudge vnrighteous.* In that *vnrighteous Iudge*, from whom the Widow wreſted ſentence by importunity, we reade not of any other fault in him, but delay, *Luk.*18.6.

Secondly, the party accuſed was placed on ſome *high place*, from whence hee might bee ſeene and heard of all the people: *Set Naboth, In capite populi, on high among the people,* 1 *King.*21.9.

[d] *Drus praeterit. Mat.*27.

Thirdly, the *Iudges* and the *witneſſes* did (when ſentence was pronounced) put their hands vpon the condemned perſons head, and ſaid, *Sanguis tuus ſuper caput tuum, Thy blood be vpon thine owne head:* vnto this the people had reference, ſaying; *His blood be on vs and our children, Mat.*27.25.

[d] *Moſes Koiſenſ. in Sanhedrin. Jt. Talmud. lib. Maccoth, cap.* 3. *in Miſchna.*

Fourthly, the place of execution was *without the gates*, the malefactors were had thither by *two executioners*, termed by the [e] *Rabbines*, חזנים חזני *chazani hacceneſeth. Spectators of the congregation*, which is a *periphraſis* of thoſe, whom Saint *Marke* calleth σπεκουλατορας, *Mark.*6.27. which word, though

though it be vsed by the *Greekes* and [f] *Chaldee Paraphrasts*, yet it is a meere *Latine*, derived *a speculando*; because in *the Court* the *Executioners* were only *spectators*, to behold and attend what the *Iudges* would command them.

[f] פטוקל טריא *Vatabl. & Targum Hierosolym. Gen.37.36.*

Fifthly, when the malefactor was led to execution, a [g] *publique cryer* went before, saying, *such a one is going to be punisht with such a death, because he hath commited such, or such an offence, at such a time, in such a place, and these N.N. are witnesses thereof: If any therefore knoweth any thing which may doe him good, let him come and make it knowne.* For this purpose one was appointed to stand at the doore of the Consistorie, with an handkerchiefe or linnen cloth in his hand, that if any person should come for his defence, he at the doore swinged about his handkerchiefe; vpon the sight wherof, another standing in readinesse a pretty distance off with an horse, hastened and called backe the condemned person: yea, if the malefactor had any further plea for his owne purgation, he might come back foure or fiue times, except he spake vainly, for the discerning whereof, two of those, whom they termed *Schollers of the wise men*, were sent with him to obserue his speech on the way.

[g] *Moses Kotsens. in loco superius citato.*

Sixthly, he was exhorted to *confesse*, that he might haue his portion in the world to come: Thus *Iosh̃ua* exhorted *Achan*, *Iosh.7.19. My son giue, I pray thee, glory vnto the Lord God of Israel, and make confession vnto him:* vnto whom *Achan* answered, *vers.20. Indeed I haue sinned against*

the Lord God of Israel, and thus haue I done.

קנרש א לבונת כבוס של יין
Corat lebona beos sebel iaija. Maimon. in Sanhedrim. c. 13. 11. Moses Kotsens. in Sanhedrim.

Seuenthly, in the time of execution, they gaue the malefactor, [h] *Granum thuris in calice vini. A graine of frankincense in a cup of wine:* this they did giue to cause a giddinesse in the condemned persons head, that thereby hee might bee lesse sensible of the paine. Saint *Marke* calleth this cup ἐσμυρνισμένον οἶνον, *wine mingled with myrrhe*, *Marke* 15.23. This was done after the *manner of the Iewes*, but the *souldiers in mockerie* mingled Vineger and Gall, with it, *Matth.* 27.34. As likewise they gaue him a second cup *in derision*, when they tooke a Sponge, and filled it with Vineger, and put it on a reed, *Matth.* 27.48. Saint *Marke* in the first cup, mentioneth the custome of the *Iewes*, which in it selfe had some shew of compassion; for the ground of this custome was taken from that, *Prou.* 31.6. *Giue strong drinke vnto him that is ready to perish.* Saint *Matthew* mentioneth only their wicked mixture, contrary *to the receiued* custome, so that one *Euangelist* must expound the other. This *first cup* was so vsually giuen before execution, that the word *Calix a Cup*, is sometimes in Scripture put for *death it selfe*. *Father, if it may bee, let this Cup passe from me.*

i Casaubon. exercit. pag. 654. ex Maimonid.

Lastly, [i] the *tree* whereon a man was hanged, and the *stone* wherewith he was stoned, and the *sword* wherewith he was beheaded, and the *napkin* wherewith he was strangled, they were *all buried*, that there might be no euill memo-

riall of such a one, to say: *This is the tree, this is the sword, this the stone, this the napkin, whereon, or wherewith such a one was executed.*

Chap. VII.

Their capitall Punishments.

THe *Iewes* of old had onely [a] *foure sorts of death* in vse among them. 1. [b] *Lapidatio*, stoning. 2. [c] *Combustio*, burning. 3. *Decollatio*, beheading. 4. [d] *Suffocatio*, strangling. Of these, *stoning was counted the most grieuous, burning worse than beheading, beheading worse than strangling, and strangling was the easiest of all.*

They haue a [f] *rule*, that whersoeuer the Scripture saith of an offender, *Morte plectetur, He shall be punisht with death*, not expressing the kinde of death, there it ought to be interpreted of *strangling*. For example, the Law saith of the Adulterer, *Leu.* 20. 10. *Morte plectetur, Let him be punisht with death*: because the kinde of death is not here mentioned, they interpret it *strangling*. The reason of this rule is, because strangling was the easiest death of the foure, and where the Law determineth not the punishment, there they say, *Ampliandi fauores*, The fauourablest exposition is to be giuen.

The *rule* is not generally true, for in former times *Adultery was punisht with stoning*, I will iudge thee after the manner of them that are

[a] Paraphras. Chald Rasb. 1. 37. Mikkoth. fol. 188. col. 3.

[b] סקילה Sekila, Lapidatio.

[c] שריפה Shrifeba, combustio.

[d] חרג Herey, Decollatio.

[e] חנק Chenek, Suffocatio.

[f] כל מיתה חאמורה בתורה סתם חנק הוא Omnis Mors quæ absolute in lege vsurpatur, strangulatio est. R. Salom. Exod. 21. 16.

harlots, saith the *Lord*, *Ezek.*16.38. And in the fortieth verse the iudgement is named; They shall *stone thee with stones*: likewise the *Scribes* and *Pharises* said vnto *Christ*, *Moses* in the Law commanded vs, that such should be *stoned*, *Ioh.*8.5.

Before we treat in particular of these foure punishments, it may be questioned, *whether the Iewes had any power to iudge of life and death, at that time when they crucified our blessed Sauiour?* The *Iewes* said to *Pilat*, *It is not lawfull for vs to put any man to death*, *Iohn.* 18. 31. Latter *Iewes* say, that [8] *all power of capitall punishments was taken from them forty yeares before the destruction of the second Temple*, and of this opinion are many *Diuines*.

[8] *Moses Kotsens. in Sanhedrim.*

Answer. First, the *Iewes* speech vnto *Pilat*, that it was not lawfull for them to put any man to death, cannot bee vnderstood, as if they should haue said, we haue no power to put any man to death; for admit, that power in criminals were, in the *generall*, taken from them, yet in this *particular*, power was permitted them at that time from *Pilat*, *Take ye him, and iudge him according to your Law*, *Ioh.*18.31. Neither can it be said, that their Law could not condemne him, if he had beene a transgressour thereof; or that they had not out of their Law to obiect against him: for they say, *They had a Law, and by their Law he ought to die*, *Ioh.*19,7. It was not then *want of power*, but the *holinesse of that time*, made them say, *it was vnlawfull*.

For

For they held it *vnlawfull* vpon their *dayes of preparation* to sit on life and death, as hath been shewne in the *Chapter of translating feasts*. And *Friday* on which our *Sauiour* was condemned, was the *preparation of their Sabbath*.

Secondly, in the question, whether power of iudging capitall crimes were taken from them by the *Romans*? Wee are to distinguish betweene *crimes*. *Some crimes were transgressions of the Roman Law*, as theft, murder, robberies, &c. power of iudging in these was taken from them: *other crimes were transgressions onely against the Law of Moses*, as blasphemie, and the like; in these, power of iudging seemeth to haue remained with them. When *Paul* was brought by the *Iewes* before *Gallio*, *Gallio* said vnto them, If it were a matter of *wrong* or *wicked lewdnesse*, O yee *Iewes*, reason would, that I should beare with you: but if it be a *question* of *words*, and *names of your Law*, looke ye to it, *Acts* 18. 14.

In handling these foure punishments; first obserue the *offenders*, whom the *Iewes* make liable to each punishment; and then the *manner of the punishment*.

The *persons* to be *stoned* were [h] *eighteene*. 1. *He that lieth with his owne mother*. 2. *Or with his fathers wife*. 3. *Or with his daughter in law*. 4. *Or with a betrothed maid*. 5. *Or with the male*. 6. *Or with the beast*. 7. *The woman that lieth downe to a beast*. 8. *The blasphemer*. 9. *He that worshippeth an Idoll*. 10. *He that offereth of his seed to Moloch*.

[h] *Moses Kotsensis fol. 188. col. 4.*

Maloch. 11. *He that hath a familiar spirit.* 12. *The wisard.* 13. *The priuate inticer to Idolatry.* 14. *The publique withdrawer to idolatry.* 15. *The witch.* 16. *The prophaner of the Sabbath.* 17. *He that curseth his father or his mother.* 18. *The rebellious sonne.* The *manner of stoning* was thus, The offender was led to a place without the gates, two cubits high, his hands being bound; from hence, one of the witnesses tumbled him by a stroke vpon the loynes; if that killed him not, the witnesses lifted vp a stone, being the weight of two men, which chiefly the other witnesse cast vpon him; if that killed him not, *all Israel threw stones vpon him. The hands of the witnesses shall be first vpon him to put him to death, and afterwards the hands of all the people,* Deut. 17. 7.

[1] *Paul Fagius Deut.* 17. 7.

Hence the opinion of [1] *R. Akiba* is commonly receiued, that such an Idolater (it holdeth in all others condemned to this death) was reserued vntill one of the common feasts, at which *all the multitude of Israel came to Ierusalem.* The partie thus executed being quite dead, was afterward for greater ignominie, hanged on a tree, till towards the *Sunne set*, at which time he and tree were both buried.

[k] *Maso Kesef. loco supra citato.*

Malefactors adiudged to *burning* were [k] *ten*, 1. *The Priests daughter which committed whoredome.* 2. *He which lieth with his owne daughter.* 3. *Or with his daughters daughter.* 4. *Or with his sonnes daughter.* 5. *Or with his wiues daughter.* 6. *Or with her sonnes daughter.* 7. *Or with her daughters daughter.* 8. *Or with his mother in law.* 9. *Or*

9. Or with the mother of his mother in law. 10. Or with the mother of his father in law.

The *manner of burning* was *twofold*. Some they burnt with wood and faggots; this was termed [1] by them *Combustio corporis, The burning of the body:* Others they burnt by powring in scalding hot Lead in at their mouths, which descending into their bowels, killed them, the bulke of their body remaining whole, and this was termed therefore *Combustio animæ, The burning of their soule.* This last was most in vse, and alone described by most of their Writers.

[1] R. Leui. Leu. 20.

Malefactors condemned to *beheading*, were [m] *two sorts.* 1. *The murderer.* 2. *Those of any Citie, who were drawne to Idolatry.* The manner thereof is at this day in vse.

[m] Moses Kotsens. in Sanhedr.

Malefactors *strangled* were [n] *six.* 1. *He that smiteth his father or his mother.* 2. *He that stealeth a soule of Israel.* 3. *An Elder which contradicteth the Consistory.* 4. *A false Prophet, and he that prophesieth in the name of an Idoll.* 5. *He that lieth with another mans wife.* 6. *He that abuseth the body of the Priests daughter.*

[n] Moses Kotsens. ibid.

The *manner of strangling* was thus. The malefactor was put in dung vp to the loines, a towel being cast about his necke, which two executioners, one on each side, plucked to and fro vntill he was dead.

CHAP.

Chap. VIII.

Punishments not capitall.

THe *lesser punishments, not capitall*, in vse among the *Hebrewes*, are *chiefly foure.* 1. *Imprisonment.* 2. *Restitution.* 3. *Talio.* 4. *Scourging.*

Imprisonment. Vnder this are comprehended the *prison, stocks, pillory, chaines, fetters, and the like:* all which sorts of punishment, seeing they differ very little or nothing at all, from those which are now in common vse with vs, they need no explication.

The *Keepers of the prison*, if they let any committed vnto them escape, were liable to the same punishment, which should haue beene inflicted on the party escaped. This is gatherable from that, 1 *King.* 20. 39. *Keepe this man; if by any meanes hee be missing, then shall thy life be for his life.*

Concerning that *Libera Custodia*, which [a] *Drusius* proueth to haue beene in vse among the *Romans*, I much doubt whether any such custome were in vse among the *Hebrewes*. That some kinde of prisoners at *Rome* did goe abroad with a lesser kinde of fetters in the day time to their worke, and so returne at night to their prison, hath elsewhere beene obserued by

[a] *Drus. prater.* 3 *Tim.* 1. 18.

by mee. And[b] *eadem catena & custodiam & militem copulabat: The same chaine tyed both the prisoner and the keeper.* Obserue the vnusuall significations of these two words; *Custodia*, a prisoner, and *Miles*, a keeper. So that *Drusius* deliuered *Seneca* his meaning, but not his words, when hee repeats them thus: *Eadem catena tàm reum quàm militem tenet.* Obserue further, that the *prisoner* was tyed by his *right arme*, and the *keeper* by the *left*, because the right arme is the stronger, and therefore iustly remaineth free rather to the *keeper*, than to the *prisoner*. Hence is that, [c] *Tu forte leuiorem in sinistra putas catenam*; Because the *keeper* tyed himselfe vnto the same chaine, not in way of punishment, but voluntarily for the saftier keeping of the *prisoner*.

[b] *Senec. epist. 5. Non in lib. de tranquil. cap. 10. quemadmodum citatur à Drusio.*

[c] *Senec. de tranquil. cap. 10.*

Restitution. This was commanded when goods were *vniustly gotten*, or *wrongfully detained*, *Exod.* 22. It was[d] threefold:

[d] *Thom. Aquin. secunda secundæ. q. 62.*

Restitution is threefold;
- *Secundum idem, in identitie*, when the *verie same thing* is restored which is wrongfully gotten.
- *Secundum æquale*, when there is *so much for so much* in quantitie restored, the goods vniustly gotten being sold, or lost.
- *Secundum possibile*, when restitution is made according to that which a man hath, not being able to satisfie the whole.

Restitution in identitie, was and is principally required. Whence it is, that if the theft, whether Oxe or sheepe, were found aliue vpon a man, he restored but *double*, *Exod.* 22. 4. but if they were killed or sold, then *fiue Oxen* were restored for an Oxe, and *foure sheepe* for a sheepe, *Exod.* 22. 1. The *Iewes* were so precise in this kinde, that if they had built an house with a beame or peece of timber vniustly gotten, they would pull downe the house, and restore the [a] *same beame or peece to the owner.* From this the *Prophet Habbakuk* doth not much dissent: *The stone shall cry out of the wall, and the beame out of the timber shall answer it Habbak.* 2. 11.

[a] Dauid Kimchi.

Among the *Iewes* hee ought to bee sold that was not of sufficient worth to make restitution, *Exod.* 22. 3. [b] And *Augustine* saith of *Christians, that he which doth not make restitution according to his abilitie, neuer repented.* And, *Non remittetur peccatum, nisi restituatur ablatum.*

[b] *Augustin. Epist.* 54.

Talio. This was a punishment in the *same kinde, an eye for an eye, and a tooth for a tooth, hand for hand, and foot for foot, Deut.* 19. 21.

Talio is twofold,
- *Talio identitatis*, or *Pythagorica*, which was according to the letter of the Law, when the offender was punisht with the *losse of an eye* for putting out anothers eye, &c.
- *Talio similitudinis*, or *analogica*, which was when the *price of an eye*, or some proportionable mulct is payed for an eye, put out, or any other member spoyled.

The

The [g] *Hebrewes* Vnderſtand *Talio ſimilitudinis*, that the *price of a maime* ſhould be payed: not *Talio identitatis*, not that the offender ſhould be puniſht with the *like maime*. Becauſe to puniſh like for like *in identitie*, is in ſome caſes impoſſible, as if a blinde man put out anothers eye, or one toothleſſe ſtrike out anothers tooth.

[g] Oculum pro oculo, id eſt, pretium oculi. Targum Ionath. Deu. 19. 21. Et R. Solom. ibid.

In caſe of bodily maimes therefore, the [h] *Hebrew Doctors* ſay that the party offending was bound to a *finefold ſatisfaction*, *firſt*, for the *hurt* in the loſſe of the member. *Secondly*, for the *dammage* in loſſe of his labour. *Thirdly*, for his paine or griefe ariſing from the wound. *Fourthly*, for the *charge* in curing it. *Fifthly*, for the *bleniſh* or deformity thereby occaſioned. *Munſter* rendreth thoſe fiue thus; *Damnum. leſio, dolor, medicina, confuſio.* The [i] *Romans* likewiſe had a *Talio* in their law, but they alſo gaue liberty to the offender, to make choice whether he would by way of *commutation* pay a proportionable mulct, or in *identity* ſuffer the like maime in his body.

[h] *Vid. Munſt. Exod. 21.*

[i] *A. Gellius lib. 11. cap. 1.*

Scourging. This was *twofold*; either *Virgis*, with rods? or *flagellis*,, with ſcourges. This latter was more grieuous than the former, as appeareth by that *Ironicall* ſpeech? [k] *porcia lex Virgas ab omnium ciuium corpore amouit, hic miſericors flagella retulit.* Both were in vſe among the *Romans*, but onely the latter among the *Hebrewes*. This beating or *ſcourging* was commanded, *Deut.* 25. 2, 3. where the number of

[k] *Cic. pro Rabirio.*

ſtripes was limited, which the *Iudge* might not exceed. *Portie ſtripes* ſhall he cauſe him to haue, and *not paſt*. The *Iewes* in many things laboured to ſeeme *holy aboue the law*. For example, where the Lord commanded a *Sabbath* to be ſanctified, they added their *Sabbatulum*, that is, they began their *Sabbath* about an houre ſooner, and ended about an houre later than the law required: where the *Lord* forbade them to *eat or drinke things ſacrificed to Idols*, they [l] prohibited *all drinking with Heathens*, becauſe it is doubtfull whether it were offered to *Idols* or no. The *Lord* commanded them in the time of the *paſſeouer* to *put away leauen out of their houſes*, they would not take the [m] *name into their mouthes all* the time of that feaſt. The Lord commanded them to abſtaine from *eating Swines fleſh*, they would not ſo much as *name it*, but in their common talke [n] would call a *Sow*, דבר אחר *Dabar acher*, *Another thing*. In like manner, the *Lord* commanded chiefe malefactors which deſerued beating, to bee puniſht with *fortie ſtripes*; they in their greateſt corrections, would giue but *thirtie nine*. *Of the Iewes fiue times receiued I fortie ſtripes ſaue one*, 2 *Cor.* 11. 24. For this purpoſe the *ſcourge* conſiſted of *three thongs*, ſo that at each blow hee receiued *three ſtripes*, and in their greateſt correction were giuen *thirteene blowes*, that is, *fortie ſtripes ſaue one*. Whether [o] theſe thongs were made the one of a buls hide, the other two of an aſſe hide,

[l] *Thiubites in* נסך

[m] *Thiubit in* דבר

[n] *Elias Thiubit. ibid.*

[o] *Talmud. lib. maccoth, cap. 3. in Miſchna.*

hide, or [p] all three of a calues hide, the matter is not materiall, both opinions haue their Authors.

[p] *Baal turim. vid. Drus. 2 Cor. 10. 24.*

The manner of correcting such was thus. The malefactor had both his hands tyed vnto a *post*, one cubit and halfe high, so that his body *bowed vpon it*. The *Iudge* shall cause him to *low downe*, *Deut.* 25. 2. This *post* or *stake* on which the malefactor leaned in time of whipping, was termed עמוד *Gnammud*, *Columna*, *a pillar*. His cloathes were plucked off from him downeward vnto the thighes, and [r] this was done either by *renting*, or *tearing* of them. The *Gouernours rent* Paul *and* Silas *their cloathes, and commanded them to bee beaten with rods*, *Acts* 16. 22.

[r] *Talmud ibid.*

That the *Beadle* should inflict a number of stripes proportionable vnto the transgression, this correction was performed in the *sight of the Iudge*. The *Iudge* shall cause him to bee beaten *before his face*, *Deut.* 25. 2. [s] The *chiefe Iudge of the three*, during the time of the correction, did either reade or recite, Deut. 28. 58, 59. *If thou wilt not keepe, and doe all the words of this law, &c. Then the Lord will make thy plagues wonderfull, &c.* The *second Iudge* hee numbred the stripes; and the *third* he bade the *Beadle smite*. The *chiefe Iudge* concluded all, saying, *Yet hee being mercifull, forgaue their iniquity, &c. Psal.* 78. 38.

[s] *Talmud ibid.*

Sometimes in notorious offences to augment the paines, they tyed certaine huckle-

bones or plummets of Lead, or sharpe thornes to the end of the thongs, and such scourges the [t] Greekes termed ἀραγαλωτὰς μάστιγας, *Flagra taxillata.* [u] In the Scripture thy are termed *Scorpions*; My Father hath chastized you with *rods*, but I will correct you with *Scorpions*, 1 *King.* 12. 12.

[t] *Eustathius. Item Athenæus lib.* 4.
[u] *Theophan. Syncel. in vit. Constantini lib.* 31.

Chap. IX.

Punishments borrowed from other Nations.

THE punishments borrowed from other Nations are principally *six*: 1. *Crux, the death on the Crosse.* 2. *Serrâ dissectio, The cutting one asunder with a saw.* 3. *Damnatio ad bestias, The committing one to fight for his life with wilde beasts.* 4. τροχὸς, *the wheele.* 5. καταποντισμὸς, *drowning one in the sea.* 6. πυγμὴ, πυγμὸς, *beating one to death with cudgels.* The *first* and the *third*, were meerly *Roman punishments*; the *second* was likewise used by the *Romans*, but whether originally taken from them is doubtfull; the *fourth* and the *last* were meerly *Greeke punishments*; the fifth was for the substance in use among *Hebrewes, Greeks, and Romans*, but in the manner of drowning them, they differed. It will bee needfull to speake somewhat of all these.

1. *Crux.*

1. *Crux.* This word is sometimes applied to *any tree or stake on which a man is tortured to death*, but most properly it is applied to a *frame of wood consisting of two peeces of timber compacted crosse-wise.* The first is tearmed *Crux simplex*, the last, *Crux compacta.* This latter is threefold. 1. *Decussata.* 2. *Commissa.* 3. *Immissa.*

Crux decussata. This was made of two equall peeces of timber obliquely crossing one the other in the middle, after the manner of a *Roman* X. and thence it is called *decussata.* [a] *Decussare est per medium secare, Velut si duæ regulæ concurrant ad speciem literæ* X. *quæ figura est crucis.* This kinde of crosse is by the common people termed *Crux Andræana*, Saint *Andrews crosse*, because on such a one hee is reported to haue beene crucified.

[a] *Hieron in locum cap. 31.*

Crux commissa. This was when a peece of timber erected, was ioyned in the middle to a trauerse or ouerthwart top, somewhat shorter than the peece erect, in manner of a *Romane* T. This is called *Crux Antoniana*, Saint *Anthony his Crosse*, because he is often painted with such a Crosse.

Crux immissa. This was when a short trauerse somewhat obliquely crossed the stake erect, not quite in the middle, as *Crux decussata*; nor quite on the top, as *Crux commissa*, but neere the top in this manner †. [b] This is thought to haue beene *Crux Christi, the Crosse on which our Saiour Christ suffered.*

[b] *Lipsius de cruce. lib. 1. cap. 10.*

The *ceremonies* vsed by the *Romans* towards those

thoſe whom they crucified were theſe: *Firſt*, they [c] *ſcourged* them, and ſometimes tied them to a *pillar* in time of ſcourging. *Artemidorus* is cleere in this, δεδεμένοις ἐκεῖνοι, πολλὰς ἔλαβε πληγάς. That is, being tyed to the *pillar* hee receiued many ſtripes. [d] *Plautus is thought to haue alluded* to the ſame:

[c] *Ioſeph. excid. lib 5. cap. 32. Philo contra Flaccum. Tit. Liu. lib. 1.*

[d] *Plaut. Bacch.*

——————— *Abducite hunc*
Intrò, atque adſtringite ad columnam fortiter.

The ancient *Fathers* [e] report that our *Sauiour* was whipt thus *ad columnam*, but the Scripture is ſilent, both touching the place and manner of his whipping, onely that he was whipt is teſtified. He *ſcourged Ieſus*, and deliuered him to be crucified, *Mat.* 27. 26.

[e] *Prudentius: Hieronym. Beda vid. Lapſ. de cruce, lib. 2. cap 4.*

Secondly, they cauſed them to *beare their owne Croſſe*. [f] *Malefici cùm ad ſupplicium educuntur, quiſque ſuam effert crucem.* Thus *Chriſt bore his owne Croſſe, Ioh.* 19. 17. To this there is alluſion, *Hee that taketh not his Croſſe, and followeth after me, is not worthy of me, Mat.* 10. 38.

[f] *Plutarch. de ſera num. vindict.*

Thirdly, that the equitie of the proceeding might clearely appeare, the [g] cauſe of the puniſhment was written in a Table, and ſo carried before the condemned perſon, or elſe it was proclaimed by a publique Cryer. This *cauſe* was termed by the *Romans* commonly *Titulus*, by [h] ſome it is called *Elogium*. *Thus Pilat wrote in Hebrew, Greeke, and Latine, Ieſus of Nazaret the King of the Iewes.*

[g] *Euſeb. Eccleſ. hiſt. lib. 5. cap. 1. Tit. Sueton. Domit. cap. 10.*

[h] *Tertullian Apolog. cap. 2. Sueton. in Calig.*

Fourthly, they [i] *pluckt off their cloathes* from ſuch as were to be crucified. Thus *Chriſt ſuffered naked.*

[i] *Artemidor. Lib 2. 58.*

Serrâ

Serrâ dissectio, A sawing one in sunder; They sawed them from the head downward. The [k] *Romans* they vsed this kinde of punishment, so likewise did the *Hebrewes*. Thus *Manasses* is thought to haue punisht the *Prophet Isaiah*, and the *Apostle* to haue alluded vnto it. *They were sawne asunder, Heb.* 11. 37.

[k] *Sueton in Calig. cap.* 27.

Damnatio ad bestias. Those who were condemned to wilde beasts, are properly termed *Bestiarii*. Whether Saint *Paul* did according to the letter, fight with beasts at *Ephesus*, 1 *Cor.*15.32. is much controuersed. [l] Some vnderstand by *beasts, Demetrius*, and others that opposed him at *Ephesus*, [m] others more probably vnderstand the words *literally*; and this kinde of punishment was commonly exercised against *Christians* in the *Primitiue Church*, in so much, that *Heathens* imputing the cause of all publike calamities vnto the *Christians*, would call out; [n] *Christianos ad Leones, Let the Christians be haled to Lions*: Yea the literall interpretation of the words, is a stronger argument that Saint *Paul* beleeued the Resurrection (which is the scope of the text) than to vnderstand the words of a metaphoricall fight, against the enemies of his doctrine.

[l] *Theophylact. Anselm.*

[m] *Chrysostome. Ambrose alii.*

[n] *Tertullian Apolog. cap.* 40.

Τροχὸς, The wheele: A wise *King* bringeth the *wheele* ouer the wicked, *Prou.*20.26. I take the words to imply no more but this, That *as the wheele turneth round, so by the wisdome of a King the mischiefe intended by wicked men, is brought vpon their owne head.* That hereby should be vnderstood, the grinding of wicked men vnder a cart-wheele, as the husbandman brake some sort of graine vnder a wheele, is the meere conceit of Expositors on this place, for no Records make mention of any such

punishment in vse among the *Iewes*. Among the *Greekes* there was a punishment went vnder this name: [o] It was called τροχὸς, *A wheele*, not because a wheele was *brought ouer the wicked*, but because they bound fast the offender *to the spokes of a wheele*, and there scourged him to inforce a confession.

[o] Ἐπὶ τῷ τροχῷ γ' ἐλαύνεσθαι μαστιγούμενον. Aristoph. in Iren. De eodem pœna loquitur Demosth. 2. in Aphob. & Suidas

Καταποντισμὸς, Drowning one in the sea. This was in vse among many nations, but the manner differred. The [p] *Romans* they sowed vp a paricide into a leather budget, sowing vp together with him into the same budget, *A Serpent, a Cocke, and an Ape*, and so cast them all into the sea. The [q] *Grecians* when they iudged any to this kinde of punishment, they wrapt him vp in Lead. The *Hebrewes* tied a milstone about his necke. Thus in respect of the manner, [r] those are to be vnderstood, who say this kinde of punishment was peculiar to the *Iewes*.

[p] Sine. lib. 5. contr. 4. Iuuenal. Satyr. 8. ad fin. Digest. 48. ad legem Pomp. de parric. vid. Cal. Rhod. l. 11. cap. 21.

[q] Athenæus lib. 14.

[r] Hier. Mat. 18. 6.

Τυμπανισμὸς. It is rendred by the generall name of *torturing*, *Heb.* 11. 35. 2 *Mac.* 6. 19. But the word signifieth a speciall kinde of torturing, by beating one with cudgels vnto death. It hath its denomination from τύμπανον, which signifieth a *drumme* vsually, and hence [s] some haue paralleld this torture with that among the *Romans* termed *Equuleus*, as if the person thus tortured, were rackt and stretched out in manner of a *drumme head*: but it signifieth also a *drum-sticke*, and [t] thence commeth the punishment to be termed *Tympanismus*, that is, *a stabbing or beating one to death with cudgels*, as if it were with *drum-sticks*. This is euident by *Eleazar*; He came willingly ἐπὶ τὸ τύμπανον, *to the kinde of torment*, 2 *Macab.* 6. 19. and in the thirtieth verse, where hee gaue vp the ghost, there is mention

[s] Magius in lit. de equuleo, vid. Dempst. ad lib. 8.

[t] Suidas: Aristophanes τύμπανα ferulæ esse ξύλα εἰς τύπτοντας ἐν ταῖς διδασκαλίαις οἱ παιδοτρίβοι. In Plutarch pag. 50.

mention of his *ſtrokes*, not of his *racking* or *ſtretching*.

Iunius reckoneth [a] another kinde of puniſhment, termed by the *Hebrewes* צִינָק, *Tſinok*, which hee would haue to be a compound word: doubtleſſe his meaning is that it ſhould be compounded of צִי *Tſi*, *Nauis*, *a ſhip or boat*; and יָנַק *Ianak*, *Sugere*, *To ſucke*, for he ſaith that thereby is meant a certaine puniſhment termed *Nauicula ſugentis*, which [x] *Plutarch* deſcribeth in this manner; *That the offender ſhould be encloſed betweene two boats as in a priſon, or as his phraſe is (quaſi in vagina) as in a ſheath, and to preſerue life in him, milke and hony tempered together, was forcibly put into his mouth whether he would or no.* And hence, from this *ſucking in of milke and hony*, this puniſhment hath beene termed *Nauicula ſugentis*. But the [y] *Hebrewes* ſay that *Tſinok* was nothing elſe but *manacles*, or *cords*, wherewith priſoners hands were tied. I leaue it indifferent to the Reader, to follow which interpretation he pleaſe.

[a] *Iunius Ier. 29. 26.*

[x] *Plutarch. in Artaxerxe.*

[y] בלי מסגר לידים *Inſtrumentum conſtringens manus. D. Kimch. Ier. 29. 26.*



THE SIXTH BOOKE.

OF Miſcellaneous Rites.

CHAP. I.

Of Circumciſion.

THeir *Sacraments* were two. 1. The *Paſſeouer*, of which there hath beene a ſet chapter. Secondly, *Circumciſion*, of which now.

Circumciſion, was a cutting off of the foreskinne, as a ſigne and ſeale of *Gods* Couenant, made with the people of the *Iewes*. It is called a *ſigne* by *God* in its firſt inſtitution, *Geneſ.* 17. and a *ſeale* by the *Apoſtle*, *Rom.* 4. 11. Yea, it is called a *ſigne* and a *ſeale*, by a [a] *Doctor* of the *Iewes*, more ancient than their *Talmud*. [a] *Zohar. Gen.* 17.

It was vſed (though not as a *Sacrament*) by many

other nations: [b] by the inhabitants of *Colchis*, the *Æthiopians*, the *Troglodites*, and the *Ægyptians*.

[b] *Alex. ab Alex. lib. 2. cap. 25. Herodot. lib. 2. Diodor. Sicul. lib. 2. cap. 1 & lib. 4 cap. 3.*

In a figurative sense alluding vnto this *sacramentall rite*, we reade of three other sorts of *Circumcision* in the *Scripture*, so that in all there are foure mentioned, 1. *This of the flesh.* 2. *Another of the heart.* 3. *A third of the lips.* 4. And a *fourth of the eares.* We are to consider it in its proper acception, and here to obserue, First, the *time when* it was administred. Secondly, the *manner how.* Thirdly, the *penalty in case it was omitted.*

The *time* was the *eighth day*, yea the *eighth day* was so precisely obserued, that if it fell on the *Sabbath*, yet they *circumcised* the childe; whence arose that saying among them, *Circumcisio pellit Sabbatum, Circumcision driueth away the Sabbath*; or, the *Sabbath* giueth place to *Circumcision.* And with this accordeth that of our *Saviour*, *Yee on the Sabbath day circumcise a man, Ioh.* 7.22. The *Iewes* superstitiously conceiting that each creatures perfection depended vpon the sanctification of one *Sabbath* day at least, say that *God* did therefore inioyne the *eighth day*, that one *Sabbath* might first passe ouer each male, before he should be partaker of this Sacrament. But more probably we may say, that the reasons why *God* would not suffer them to anticipate the *eighth day*, were, first to shew, that *God* in the matter of saluation, neither was, nor is *simply tied to Sacraments*, for then there had beene no lesse cruelty in *forbidding Circumcision vntill the eighth day*, than there was loue in *permitting it vpon the eighth.* Secondly, because in this time of the *Mosaicall pædagogie*, there was a kinde of *legall vncleanesse*,

cleanneſſe, in which the creatures were thought to be, as remaining in their bloud, for the *firſt ſeuen dayes* after their birth, *Leuit.* 22.27. *Is.* 12.2,3. Notwithſtanding *God* thought it not conuenient to deferre it longer than eight dayes, for the comfort of the parents, which they receiued by a mature and ſeaſonable initiation of their children.

The manner how circumciſion was adminiſtred, I finde thus recorded; Some of thoſe that were preſent [e] held a veſſell full of duſt, into which they did caſt the foreskinne being cut off. *Againe*, they prepared in the roome, a certaine [d] *void chaire* for *Elias*; which was done, partly in honour of him, for which reſpect alſo, as often as they fell on any difficult place in Scripture, they would ſay, [e] *Veniet Elias, & omnia enodabit*; *Wee know that Elias will come, and he will tell vs all things*: but chiefly it was done becauſe they thought *Elias* to be preſent there in ſpirit, whoſe bodily comming they did, and doe dayly expect. Theſe ceremonies are meerely *Iewiſh*, practiſed by the latter *Iewes*, but vtterly vnknowne in our *Sauiour Chriſt* his time, and as it appeareth by the *Samaritane* woman her ſpeech, that prouerbiall ſaying applied now vnto *Elias*, was of old applied to *Chriſt*, *Ioh.* 4.25. *Thirdly*, hee which ſupplied the place of the *witneſſe*, or as wee phraſe it, of the *Godfather*, [f] held the childe in his armes whiles it was *circumciſed*: this *Godfather* they called *Baal Berith*, and *Sandak*, that is, the *Maſter of the Couenant*. *Vriah* the *Prieſt*, and *Zachariah* the ſonne of *Ieberechiah*, are [g] thought to haue beene *Godfathers* at the circumciſion of *Maher-ſhalal-haſh-baz*, *Eſ.* 8.2. and from them the cuſtome

[e] *Paul. Fag. Drat.* 10.

[d] *Chriſtoph. Caſſ. in Mal.* 3.

[e] *Mercerus in abbreuiatum*, היקו׳

[f] גודגין לקרא לבני שמחויק בן חברו לסנדק סנדק והלויעזים קורין לו בעל ברית

Elias Tisbi.

[g] *Ion. & Tarch. Eſ.* 8.2.

stome of hauing *Godfathers* in *Baptisme*, to haue taken its originall. *Fourthly*, The parents named the childe, and in *Zacharies* time, it seemeth that in the naming of the infant, they had respect to some name of his ancestors. *They said vnto her, there is none of thy kindred that is named with this name, Luke* 1.61. Other nations, had their set dayes also after the birth, for the naming of their children. [h] The *Romans* gaue names to their male children on the ninth day, to the female on the eighth. The [i] *Athenians* gaue names on the tenth. [k] Others on the seuenth. These [l] dayes *Tertullian* calleth *Nominalia*. The *Grecians* besides the tenth day on which they named the childe, they obserued also the *fifth*, [m] on which day the midwiues tooke the childe, and ranne about a fire made for the purpose, vsing that ceremonie as a purification of themselues and the childe; on this day the neighbours also sent in *gifts*, or *small tokens*, *Munera Natalitia*; [n] from which custome, that among *Christians* of the *Godfathers* sending gifts to the baptised Infant, is thought to haue flowne. But to returne againe to the rites of the *Iewes*. After the childe had beene *circumcised*, the father said: [o] *Blessed be our Lord God, who hath sanctified vs with his precepts, and hath commanded vs, that wee should cause this childe to enter into the Couenant of Abraham*. After this, the whole Church or company present replied in this manner; [p] *As thou hast made him to enter into the Couenant, so make him also to enter into the Law, into Matrimonie, and into good workes.*

h Plutarch. prob. 102. Macrob. Sat. lib. 1. cap. 16.

i Cal. Rhodig. lib. 22. cap. 12.

k Arist. Hist. anim. lib. 7. cap. 12.

l Tertul. de Idol. cap. 16.

m Scholiast. Aristoph. in Lysistrat. p. 886. It. Suidas in ἀμφιδρόμια.

n Stukius de Conuiu. lib. 1. cap. 16.

ברוך אתה יהוה אלהינו מלך העולם אשר קדשנו במצותיו וצונו להכניסו בבריתו של אברהם

Moses Kotsensis in tractat. Circumcis. fol. 115.

נשים שהכנסתו לבריתו הכניסנו לתורה ולחופה ולמעשים טובים

Moses Kotsensis. ibid.

The *Penalty* for the omission of *Circumcision* runneth

runneth in this forme; *That soule shall be cut off from his people*, Gen. 17. 14. I vnderstand the *penalty* to be pronounced against such an omission, which proceeded either from *contempt*, or *wilfull neglect*. In this case, the question is, what is meant by this phrase? *His soule shall be cut off from the people*: secondly, *who ought thus to be punisht*? Whether the *childe*, or the *parents*, and such who *supply the place of parents*? For the first, besides *Gods* secret action in punishing such delinquents, mee thinks there is a rule of direction for the Church, how to proceed against such in her discipline: if any vnderstand here, by *cutting off such a mans soule from his people*, the sentence of *Excommunication*, or *casting him out of the Synagogue*, I shall not oppose it; though I rather incline to those, who vnderstand hereby a *bodily death* inflicted vpon such an offender, in which sense the phrase is taken, *Exod.* 31. 14. *Whosoeuer doth any worke in the Sabbath, that soule shall be cut off from among his people.* And it is very remarkable, that when *Moses* his childe was *vncircumcised*, the *Lord sought to kill Moses*: which, as it intimateth the punishment for this fault to be a *bodily death*; so it cleerely euinceth, that not the *childe* till hee commeth to yeares of discretion, but the *parents* were liable to the punishment. The opinion of the *Rabbines* concerning this latter point, is thus deliuered: [a] *If the Father circumcise him not, then the Iudges are commanded to circumcise him, and if it be vnknowne to the Iudges, and they circumcise him not, when he is waxen great, he is bound to circumcise himselfe, and euery day that passeth ouer him, after he is waxen great, and hee circumciseth not him-*

[a] Moses Kotsi tract. circumcis. fol. 114. col. 4.

selfe, loe hee breaketh the Commandement.

Here it may be demanded, how it is possible for a man, after once he hath beene marked with the signe of *Circumcision*, to blot out that character, and become *vncircumcised*? for thus some *Iewes* for feare of *Antiochus*, made themselues vncircumcised, 1 *Mac.*1.16. Others for shame, after they were gained to the knowledge of *Christ*, and to the entertainment of the *Christian faith*, *vncircumcised themselues*, 1 *Cor.*7.18. [r] The answer is, that this was done by *drawing vp the foreskinne* with a Chirurgeon his instrument; and vnto this, the *Apostle* in the forequoted place alludeth, μὴ ἐπισπᾶσθαι, *Ne attrahat præputium*. This wicked inuention is ascribed vnto *Esau*, as the *first author*, and practiser thereof.

[r] Epiphan. lib. de mens. & pond. pag. 415. 11. Celsus l. 7. cap. 25.

Chap. II.

Of their first fruits, and their firstlings, or first-borne.

THe vse and end of their *first fruits*, was that the *vse of fruits* might be *consecrated in them*. To this purpose they were inioyned to offer the *first fruits of their trees*, which serued for food, *Leuit.*19.23,24. In which this order was obserued; the *three first yeares* after the tree had beene planted, the fruits were counted *vncircumcised*, and *vncleane*: it was vnlawfull to *eat them, sell them, or make any benefit of them*: on the *fourth yeare*, they were accounted *holy*, that is, either they were

רחבון ריאבנני. Sacerdos ea comedebat. Aben. Esra in hunc locum.

were giuen to the *Priests*, *Num.* 18. 12, 13. or the owners did eat them before the *Lord* at *Ierusalem*, as they did their *second tithe*: and this [b] *latter* is the common opinion of the *Hebrewes*. After the *fourth yeare*, they returned to the vse of the owner: wee may call these πρωτογενήματα, *simply the first fruits*.

[b] *Talmud. Bab. in Magnaster Shemi. cap. 1.*

Secondly, they were enioyned to pay yearely the *first fruits of euery yeares increase*, and these wee may call ἐπιγενήματα, and of them there were many sorts. *First*, *first fruits in the sheafe*, *Leuit.* 23. 10. *Secondly*, *first fruits in two waue loaues*, *Leuit.* 23. 17. These two bounded their haruest, *that in the sheafe* was offered in the *beginning of haruest*, vpon the fifteenth of *Nisan*, *the other of the loaues at the end*, vpon their *Pentecost*: and *Leuit.* 23. they are both called תנופות *Thenuphoth*, that is, *shake offerings*. *Thirdly*, there was *a first of the dough*, *Num.* 15. 20. namely, a [c] *foure and twentieth part thereof*, giuen vnto the *Priests*: which kinde of offering was obserued, euen when they were returned out of *Babylon*, *Nehem.* 10. 37. vnto this Saint *Paul* hath reference, *Rom.* 11. 16. *If the first fruit be holy, the lumpe is also holy*. *Fourthly*, they were to pay vnto the *Priests*, the *first fruits of the threshing-floore*, *Numb.* 15. 20. These two last are called תרומות *Therumoth*, that is, *heaue-offerings*; this *the heaue-offering of the threshing-floore*; the other, *the heaue-offering of the dough*, *Num.* 15. 20. Vnder the name of *first fruits*, commonly Authors treat of no other, but this last, and wholly omit all the former sorts: before wee proceed to the explaining of the last, note with me the difference of these two words, *Thenuphoth*, and *Therumoth*; both signifie *shake-*

[c] חלה מן עשרין וארבעה. *Vide Ezech. Numb.* 15. 20.

offerings, heaue-offerings, or waue-offerings, but with this difference; [d] The *Therumoth*, was by a *waning of eleuation*, lifting the oblation vpward and downward, to signifie that *God* was *Lord* both of heauen and earth. The *Thenuphoth*, was by a *waning* of *agitation*, waning it to and fro, from the right hand to the left, from the *East* to the *West*, from the *North* to the *South*: by which kinde of *agitation*, they acknowledged *God* to be *Lord* of the whole world. Now, that we may know what these *first fruits of the threshing floore* were, the *Rabbies*, and others following them, distinguish them into *two sorts*: the first of these, was *first fruits* of seuen things onely, 1. *Wheat*. 2. *Barley*. 3. *Grapes*. 4. *Figges*. 5. *Pomegranates*. 6. *Oliues*. 7. *Dates*. For all which, the Promised Land is commended, *Deut.* 8. 8. [e] These the *Talmudists* terme בכורים *Biccurim*; and when they treat of *first fruits*, they treat of them vnder this name, and vnderstand by the name of *Biccurim* no other. These, they say, are the *first fruits*, which the people are so often in the Law commanded to bring vp vnto the *Sanctuary*, at the *feast of Penteceost*, which was the end and closure of their haruest, as was signified both by this oblation, and likewise by that of the *two waue loaues*, *Leuit.* 23. 17.

The second, was paid of *Corne*, *wine*, *Oyle*, *and the Fleece*, *Deut.* 18. 4. *Num.* 18. 12. yea of all things else that the earth brought forth for mans food. Thus their *Doctors* are to be vnderstood, where they say, [f] *Quicquid edulium ex terra incrementum capit, obnoxium est primitiis, Therumæ, & decimis*. This they call, תרומה *Therumа*, an *heaue-offering*,

d P. Fag. in pentat.

e R. Solom. Deut. 26. 2. 11. Mos. Kotsens. fol. 201 col. 4.

f Moses Ægypt. in Lad. part. 3 tract. de Therumoth. cap. 2.

ring, the *Greeke* tenders it, ἀφορισμὸν, *A separation*, becauſe this was a *conſecration, or ſetting apart of the Lords portion.* In alluſion vnto this, I take Saint *Paul* to haue termed himſelfe ἀφωρισμένον εἰς εὐαγγέλιον, *ſeparated vnto the Goſpell*, *Rom.* 1. 1. ἀφορίει Ἀαρὼν, *Aaron ſhall ſeparate the Leuites*, ſo the *Greeke* renders it, but *the Originall* is, *Aaron ſhall waue the Leuites*, *Numb.* 8. 11. Againe, ἀφορίσατε, *Separate me Barnabas and Saul*, *Acts* 13. 2. *Druſius* deliuereth another reaſon, as hath beene ſaid in the *Chapter of the Phariſes.* But to proceed: the *Hebrewes* called this ſecond payment, not only *Theruma ſimply*, but ſometimes תרומה גדולה *Theruma gedola*, the *great heaue-offering*, in compariſon of that *Tithe* which the *Leuites* payed vnto the *Prieſts*: for that was termed *Theruma magnaſher*, the *heaue-offering of the Tithe*, *Num.* 18. 26. which, though it were *one of ten*, in reſpect of that portion which the *Leuites* receiued; yet it was but *one of an hundred*, in reſpect of the Huſbandmans ſtocke, who payed the *Leuites*: and thus was it a great deale leſſe, than the *great heaue-offering*, as will preſently appeare. This (the *Hebrewes* ſay) the owners were not bound to bring vp to *Ieruſalem*.

The *Law* preſcribed no ſet quantity to bee paid, either in the *Biccurim*, or in the *Theruma*; but by *tradition*, they were taught to pay at leaſt the *ſixtieth* part in both, euen in thoſe *ſeuen things*, alſo paid vnder the name of *Biccurim*, or *firſt fruits*, as well as in their *heaue-offering* termed *Theruma*, or *Theruma gedola*.

Thus the *Talmudiſts* doe diſtinguiſh the *Biccurim*, from the *Theruma gedola*, but in my opinion, the

the *Biccurim* may be contained vnder *Theruma gedola*, and in truth, both of them are nothing else but the *heaue-offering of the floore*, formerly mentioned out of *Num.* 15. 20. My reasons are these; 1. *Scripture* giueth no such leaue to keepe any part of their *first fruits* at home; if that could bee proued, the distinction were warrantable. 2. *Scripture* doth not limit *first fruits* vnto those *seuen kinds*, which alone goe vnder the name of *Biccurim*. 3. Themselues confound both members; for in their *Biccurim*, they say, they paid, 1. *wheat*. 2. *Barley*. In their *Theruma*, they say, they paid *corne*; as if vnder *corne*, *wheat* and *barley* were not contained. Some may say they paid their *Biccurim in the eare*, whiles the haruest was yet standing: and their *Theruma in wheat and barley ready threshed and winnowed*. My reasons why it cannot be so are these. 1. Because then they should pay *twice a sixtieth part* in their corne. 2. Because the corne offered in the sheafe was but a little quantity, and it was offered, not at their *Pentecost* when their haruest *ended*, but at their *Passeuer* when their haruest *began*, *Leuit.* 23. 10. Whereas their *Biccurim* or *first fruits* were alwayes offered at their *Pentecost*.

But omitting further proofes, I proceed to shew the ground, why in this *heaue-offering of the floore*, at least a *sixtieth part* was prescribed: it is grounded vpon that of the *Prophet Ezekiel*, This is the oblation that ye shall offer, the *sixth part of an Ephah out of an Homer*, *Ezek.* 45. 13. that is, the *sixtieth part of the whole*, because an *Homer* containeth ten *Ephahs*. Hence they tooke that distinction of these offerings. * Some, say they, gaue the *sixtieth part* of

* *Solom. Iarchi. Deut.* 18 4. *Item Hieronym. in Ezek.* 45. *fol.* 260.

of their increase: this, because it was the greatest quantity given in this kinde of oblations, they termed, [h] *Theruma oculi boni, The oblation of a fare eye:* others (though they were not so liberall as the former, yet that they might not be reputed niggardly) gaue a *fiftieth part*, and this they termed, [i] *Theruma mediana, the oblation of a middle eye:* others, whom they reputed sordid, gaue iust a *sixtieth part*, lesse than which they could not giue, this they termed, [k] *Theruma oculi mali, the oblation of an euill eye*; so that the payment of these was bounded by the tradition of the *Elders*, betweene the *sixtieth* and the *fortieth part:* but the [l] *Pharises* that they might be *holy aboue others*, made their bounds the *fiftieth* and the *thirtieth part*; so that he was reputed *sordid* with them, that paid the *fiftieth part*; and none *liberall*, except he paid the *thirtieth*. The manner how these first fruits termed *Biccurim* were paid, is at large set downe *Deut.* 26. But in time of the *Prophets*, other *Ceremonies* seeme to haue beene receiued, of which the *Hebrew Doctors* say thus: [m] *when they carried vp their first fruits, all the Cities that were in a County, gathered together to the chiefe Citie of the County, to the end that they might not goe vp alone; for it is said, In the multitude of people is the Kings honour, Prou.* 14. 28. *And they came and lodged all night in the streets of the City, and went not into houses for feare of pollution: and in the morning the Gouernour said, Arise, and let vs goe vp to Sion, the City of the Lord our God. And before them went a Bull, which had his hornes couered with Gold, and an oliue Garland on his head, to signifie the first fruits of the seuen kinds of fruits. There was likewise a pipe strooke vp before*

h תרומה עין יפה *Theruma gnaiſa iopha.*

i תרומה בינונית *Theruma benonith.*

k תרומת עין רעה *Theruma gnaja ragaa.*

l *Epiphan. contr. Phariſ. pag.* 11.

m *Maimonid. in Biccurim. cap.* 4. §. 16.

before them, vntill they came neere to Ierusalem, and all the way as they went, they sang, I reioyced in them that said vnto me, We will goe into the house of the Lord, &c. Psalm. 122. Vnto this, and other like manner of solemne assemblies, the *Prophet* hath reference, saying, *Yee shall haue a song, as in a night when an holy solemnity is kept, and gladnesse of heart, as when one goeth with a pipe to come vnto the mountaine of the Lord, Esa.* 30.29.

The *firstlings*, or *first-borne* of man and beast, the *Lord* challenged as his owne, *Exod.* 13. The ground of this Law was, because *God smote all the first-borne in Ægypt from man to beast, but spared the Israelites*; for a perpetuall memory of which benefit, he commanded them to sanctifie all their *first-borne males* vnto him. Now the *first-borne of men, and vncleane beasts*, were redeemed for fiue siluer shekels of the *Sanctuary*, paid vnto the *Priests* for each of them, *Numb.* 18. 15, 16. Vnto this Saint *Peter* alludeth, saying, *Wee are not redeemed with corruptible things, as siluer and gold, 1 Pet.* 1. 18. The *first-lings of cleane beasts* ought to be sacrificed, their bloud to be sprinkled on the Altar, their fat to be burnt for a burnt offering, and their flesh to returne to the *Priests*.

Obserue how *God* would be honoured by the *firstlings of men and cattell*; by the *first fruits of trees, and of the earth, in the sheafe, in the threshing-floore, in the dough, in the loaues*; All which teach vs *to consecrate the first and prime of our yeares vnto the Lord.*

CHAP.

Chap. III.

Of Tithes.

WE are here to enquire; *First*, *what things* in generall were titheable? *Secondly*, how many *kindes of tithes* there were? *Thirdly*, the *time* when each sort of *Tithe* beganne to be *titheable*.

First, their yearely encrease, was either *cattell*, *fruits of the trees*, or *fruits of the land*, of [a] *all these* they payed *Tithes*, euen to mint, anise, and cummine. *These things they ought not to leaue vndone*, *Matth.* 23.23.

[a] *Vid. Sixtin. Amama de decimis.*

Secondly, the *sorts of Tithes*, payed out of the fruits, both of the trees, and the land, by the husbandman, were *two*, payed in this manner: When the Haruest had beene ended, and all gathered, then the Husbandman laid aside his *great Theruma*, otherwise called the *first fruits of his threshing-floore*, of which it hath beene spoken in the *Chapter of first fruits*. This being done, then out of the remainder he paid a *tenth part* vnto the *Leuites*, and this they termed * *Magnasher rischon*, the *first Tithe*, *Tob.* 1.7. this was alwayes payed in kinde, and as it seemeth to me, it was not brought vp to *Ierusalem* by the Husbandman, [b] (others thinke otherwise) but payed vnto the *Leuites* in the seuerall Cities of tillage, *Nehem.* 10.37. out of this *first Tithe*, the *Leuites* paid a *tenth portion* vnto the *Priests*, this they termed * *Magnasher min ham-magnasher*, *the*

* מעשר ראשון.

[b] *Decima prima necessario aut à colono ipso aut eius vicario Hierosolymas deportanda erant. Sixtin. Amama de decimis.*

* מעשר מן המעשר

tithe of the Tithes, *Neh.* 10. 38. and *Decima ſanctitatum*, the *tithe of holy things*, 2 *Chron.* 31. 6. this the *Leuites* brought vp to the houſe of *God*, *Nehem.* 10. 38. When the *Leuites* had paid this tenth portion vnto the *Prieſts*, then the *Leuites* and their families might eat the remainder of the firſt tithe, in any place, euen out of *Ieruſalem*, *Nu.* 18. 31.

This *firſt Tithe* being payed, the Husbandman payed out of that which remained a *ſecond Tithe*; this the Husbandman might pay in kinde if hee pleaſed, or if he would, he might by way of commutation pay the worth thereof in money; but when he payed in money, he added a fifth part, ſo that what in kinde was *ten in the hundred*, that changed into money, was *twelue in the hundred*. This the Husbandman brought vp vnto *Ieruſalem*, and made a kinde of *Loue-feaſt* therewith, vnto which he inuited the *Prieſts* and *Leuites*, onely euery *third yeare* he carried it not to *Ieruſalem*, *but ſpent it at home within his owne gates*, vpon the *Leuites*, *the fatherleſſe*, *the widowes*, *and the poore*, *Deut.* 14. 18.

[c] *Moſes Kotſenſ. tract. de decima ſecunda, fol.* 199.

[c] They reckoned their *third* yeare from the *Sabbaticall yeare*, on which the Land reſted; ſo that the *firſt* and *ſecond Tithe* was payed by the Husbandman, the *firſt*, *ſecond*, *fourth*, *and fifth yeares after the Sabbaticall yeare*; but vpon the *third* and *ſixth years*, onely the *firſt Tithe* was payed to the *Leuites*, and the *ſecond* was ſpent at home. Hence in reſpect of the *kindes*, this is called * *Maaſher ſcheni*, the *ſecond Tithe*, *Tob.* 1. 7. in reſpect it was payed to the poore euery *third yeare*, it is called " *Maaſher pheni*, the poore mans Tithe, and † *Maaſher ſcheliſchi*, the third Tithe, *Tob.* 1. 1. On thoſe

* מעשר שני

" מעשר עני

† מעשר שלישי.

yeares

yeares on which it was carried vp to *Ieruſalem*, it ought of neceſſity to be eaten within the *court of the Temple*, *Deut.* 14.26. and by the *third Tithe* we are to vnderſtand the *poore mans Tithe* on the *third yeare*, which yeare is termed *an yeare of Tithes*, *Deu.* 26.12.

They likewiſe *tithed their cattell. Of their bullockes; and their ſheepe, and all that paſſed vnder the rod, the tenth was holy to the Lord*, *Leuit.* 27.32. Some Expoſitors vnderſtand by this phraſe of *paſſing vnder the rod*, that all cattell are *titheable* which liue vnder the *cuſtody of a keeper*, as if there were alluſion to the *ſhepherds ſtaffe*, or *keepers rod* which they vſe in keeping their cattel. The *Hebrewes* more probably vnderſtand hereby, the *manner of ther decimation* or *tithing* their cattell, which was as followeth. [d] *He that hath lambes (or bullockes) thus ſeparateth his tenth, hee gathereth all his lambes, and all his bullockes into a fold, to which he maketh a little doore, that two cannot goe forth together: their dammes are placed without the doore, to the end, that the lambs hearing them bleating, might goe forth one after another in order. Then one beginneth to number with his rod, one, two, three, &c. and the tenth which commeth forth, whether it be male or female, perfect or blemiſhed, he marketh it with a red marke, ſaying, This is for tithe.* At this day the *Iewes* though they are not in their owne Countrey, neither haue any *Leuiticall Prieſthood*, yet thoſe who will be reputed religious among them, doe diſtribute in *lieu* of *Tithes*, the tenth of their increaſe vnto the poore, being perſwaded, that *God* doth bleſſe their eſtates the more: for their vſuall prouerbe is, [e] *Thegnaſher; biſchbil ſche thegnaſher*; that is, *Pay Tithes that thou mayeſt be rich.*

[d] Solomon Iarchi, Leuit. 27.32. & Maimonid. de primogenit. c. 7. §. 1. 3.

[e] תעשר בשביל שתעשר.

The *time* of the yeare from which they reckoned *Tithes*, was different. For [f] *beasts* they counted the yeare from *Elul* to *Elul*, that is, from *August* to *August*, [g] for *graine*, *pulse*, and *herbes*, from *Tisri* to *Tisri*, that is, from *September* to *September*: for the *Fruit of trees*, from *Schebat* to *Schebat*, that is, from *January* to *January*.

[f] *Talmud. tract. de nouo anno ad initium Buxtorf. Syn. Iud. cap.* 12.
[g] *Moses Kotsens. in præcept. affirm.* 156.

In this *Synopsis* following (which *Sixtinus Amama* hath taken out of *Scaliger*) the manner of *Israels* tithing is set downe.

	6000.	Bushels in one yeare.
	100.	Bushels was the least that could be paid by the Husbandman to the *Priests*, for the first fruits of the threshing floore.
	5900	Bushels remained to the husbãdman, out of which he payed two Tithes.
	590	Bushels were the first tithe to the *Leuites*.
The Husbandman had growing	59	Bushels the *Leuites* payed the *Priests*, which was called the *tithe of the Tithes*.
	5310	Bushels remained to the Husbandman, out of which he payed his *second Tithe*.
	531	Bushels were the *second Tithe*.
	4779	Bushels remained to the husbandman as his owne, all being payed.

Bushels

1121 Buſhels are the ſumme of both Tithes ioyned togeather, which is aboue a ſixth part of the whole, namely, *nineteene* out of an *hundred*.

We are to know moreouer, that through the corruption of the times, in time of *Hezekiahs* reigne, Tithes began generally to be neglected, in ſo much that then *Ouerſeers* were appointed to looke to the true paiment thereof, 2 *Chron.* 31. 13. Notwithſtanding, partly through the *negligence* of the *Ouerſeers*, partly through the *couetouſneſſe* of the *people*, about one hundred thirty yeares before our *Sauiours Incarnation*, corruption ſo preuailed, that the people in a manner *neglected all tithes*, yea none or very few payed, either their *firſt*, *ſecond*, or *poore mans tithe*, only they paid the *great heaue-offering* iuſtly. For this reaſon (ſaith [h] *Moſes Kotſenſis*) *in the dayes of Iohn the Prieſt, who ſucceeded Simeon the iuſt*, I take it he meaneth *Iohannes Hyrcanus*) their great Court termed their *Sanhedrim*, made a decree that more faithfull *Ouerſeers* ſhould be appointed for the tithes. At this time many things became queſtionable, whether they were titheable or no? whence the high Court of their *Sanhedrim* decreed, that in the *things doubtfull* (which they termed דמאי *Demai*) [i] though they paid neither *firſt*, nor *poore mans tithe*, yet they paid *a ſecond tithe*, *and a ſmall heaue-offering*; namely, אחד מבאה *One part of an hundred: Mint*, *Aniſe and Cummine*, ſeemeth to haue beene of theſe *doubtfull things*, in which, though

h *Moſes Kotſenſ. Fol.* 199. *Col.* 3.

i *Moſes Kotſenſ. ibid.*

the decree of their *Sanhedrim* required but *one in the hundred*, yet the *Phariſes* would pay a iuſt tenth, *Matth.* 23.23. and hence it is, that they boaſted, *They gaue tithes of all that they poſſeſſed*, *Luke.*18.12. In which they outſtripped the other *Iewes*, who in theſe paiments, tooke the liberty granted them by the *Sanhedrim*.

Chap. IV.

Of their Mariages.

IN this Chapter of their *Mariages*, we are to conſider; *Firſt*, the diſtinction of their *wiues*. *Secondly*, the *manner of their betrothings*. *Thirdly*, the *rites and ceremonies of their mariage*. *Laſtly*, the *forme of their diuorce*. The *Patriarks* in the *old Teſtament*, had many of them *two ſorts of wiues*, both of them were *reputed lawfull*, and *true wiues*, and therefore the children of both were accounted *legitimate*. The *Hebrew* commonly call the one נשים *Naſchim*, *Primary wiues*, married with nuptiall ceremonies and rites requiſite. Some derive the word from נשה *Naſcha*, *Oblitus fuit*, *quaſi oblitioſæ dictæ*, becauſe for the moſt part, *womens memory is not ſo ſtrong as Mens*: but they thinke not amiſſe, who ſay, that *women* are ſo called from *oblition*, or *forgetfulneſſe*, becauſe the fathers family is *forgotten*, and in a manner *extinct in their daughters*, *when they are married*. Hence proceeds that common ſaying of the *Hebrewes*, [a] *Familia matris, non vocatur familia*: and for the contrary reaſon, a *male child* is called

[a] משפחת אם אינה קרויה משפחה, *Aben Eſra Num.* 1.2.

led זכר *Zacar*, from his *memory*, *because the memory of the father is preserued in the* [b] *ſonne*, according to that ſpeech of *Abſalom*; *I haue no ſonne to keepe my name in remembrance*, 2 *Sam.* 18. 18.

The other ſort of wiues, they call [c] *Pilleg ſchim*, *Secundary wiues*, or *halfe-wiues*; the *Engliſh* tranſlates them *Concubines*, and that not unfitly, for ſometimes the *Hebrew* word it ſelfe doth denote an *Infamous ſtrumpet*, or *common harlot*.

The differences betweene theſe *Concubines*, and the *chiefe or primary wiues*, are many. 1. A *diſparity* in their authority, or houſhold gouernment: the *wife* was as *miſtreſſe*, the *Concubine* as an *handmaid*, or *ſeruant*. She had only *Ius tori*, a true and lawfull *right unto the marriage bed*, as the chiefe wife had; otherwiſe ſhe was in all reſpects inferiour. And this appeareth in the hiſtory of *Sarah*, and *Hagar*. Secondly, the *betrothing* was different: the *chiefe wife*, at her eſpouſals, receiued from her husband certaine *gifts and tokens*, as pledges and ceremonies of the contract. Thus *Abrahams* ſteward (who is probably thought to be *Eliezer*, of whom we read, *Gen.* 15. 2.) gaue in *Iſaaks* name unto *Rebecca*, *iewels of ſilver, and iewels of gold, and raiment*, *Gen.* 24. 53. This cuſtome was in vſe alſo among the *Grecians*, who called theſe gifts [d] Εδνα. [e] Moreouer, the *chiefe wife* likewiſe received from her husband, a *bill of writing*, or *matrimoniall letters*; whereas the *Concubine* receiued neither *ſuch gifts*, nor *ſuch letters*. *Thirdly*, only the *children of the chiefe wife ſucceeded the father in his inheritance*; the *children of the Concubine receiued gifts or legacies*: *Abraham* gaue *all his goods* to *Iſaak*: but unto the *ſonnes of the Concubines* which *Abra-*

b *Eandem prolis maſculæ rationem habitam apud Græcos teſtatur Euripides.* Σπέρμα γὰρ οἰκῶν παῖδες ἀρσενες.

c פילגש *Vxor ſecundaria, vocem compoſitam eſſe aiunt ex* פלג *Diuidere, &* אשה *Vxor, quaſi vxor diuiſa & dimidia.*

d Τέλεια ἔνια τὰ ἐδνα φίλλα δ. νείκεον ἀγλαὸν. *Homer. Iliad. 9. vid. etiam Suid. in* Εδνα.

e D. Kimchi. 2 *Sam.* 5. 13.

Abraham had, *Abraham* gaue *gifts*, *Genes.* 25. 5, 6. And here, by the way, we may take notice, that the *first borne*, by right of primogeniture, receiued a *double portion of his fathers goods: The father shall giue him a double portion of all that he hath, for he is the first of his strength*, *Deut.* 21. 17. Vnto this custome the *Prophet Elishaes* speech alludeth, when he prayeth *Elijah*, that his spirit might bee *double* vpon him, 2 *King.* 1. 9. that is, that he might haue a *double portion of the spirit*, in *comparison of the other Prophets*, or rather the *sons of the Prophets*, amongst whom he obtained the place of an *elder brother*, and therefore prayeth for the *right of primogeniture*: so that we are not to vnderstand him, as if he did ambitiously desire a greater measure of the spirit, than rested vpon his *Master*, but that he desired to excell the other *remaining Prophets*, vnto whom afterward he became a *Father*. The [f] *Hebrew* phrase is in both places the same.

[f] פי שנים *partem duorum.*

Secondly, in their *betrothing* we are to consider, 1. The *distance of time* betweene the *espousals*, and the *confirmation* of their mariage, which some haue conceited to haue been *a full yeare*, at least *ten moneths*, and this they obserue from *Rebecca*, her brother and mothers answer vnto *Abrahams* seruant, desiring that the maid might not depart presently, but remaine after the espousals at least *ten dayes*, *Gen.* 24. 55. Which text they interpret, [g] *ten moneths*, vnderstanding thereby, that which elsewhere is phrased [h] *an yeare of dayes*, *Gen.* 41. 1. But if we should yeeld this interpretation, (although our *English* at *least ten dayes*, is more agreeable vnto the *Septuagint* and the *Originall*) yet it followeth not, that this time

[g] *Onkelos, & R. Solomon.*

[h] שנתים ימים, *Duorum annorum dierum.*

was

was craued for the fulfilling of any preſcribed diſtance betweene the eſpouſals and the mariage, but rather, it implieth the tender affection of the mother towards her daughter, as being loth ſo ſuddenly to part with her: Notwithſtanding, it is not unlikely, that there was a competent diſtance of time, betweene the *firſt affiancing* and the *confirmation of the mariage*, though not *preſcribed*, or *limited to any ſet number of dayes, weekes, or moneths*. The *ſecond* thing conſiderable in their betrothing, is to enquire the *manner of their contracting*, which might bee done in *Iſrael*, three wayes: Firſt, [i] *By a peece of money*. Secondly, *By writing*. Thirdly, *By copulation, and all theſe in the preſence of witneſſes: by a peece of money*, though it were but a farthing, or the worth thereof, at which time, the man vſed this, or the like forme of words; [k] *Loe thou art betrothed vnto mee*: And he gaue her the money before witneſſes. *By bill*, and then he wrote the like forme of words; *Be thou betrothed vnto me*: which he gaue her before witneſſes; and it was written with her name in it, elſe it was no betrothing. *By copulation*, and then he ſaid likewiſe, *Loe thou ſhalt be betrothed vnto mee by copulation*, and ſo he was vnited vnto her before two witneſſes, after which copulation, ſhe was his betrothed wife. If he lay with her by way of *fornication*, and not by the *name of betrothing*; or if it were by *themſelues*, without the *fore-acquainting of witneſſes*, it was *no betrothing*; however he might not lye with her the ſecond time, before the mariage was accompliſhed. And though the *betrothing* might be *any of theſe three wayes*, yet vſually it was by *a peece of money*; and if they would, they might doe it by

i בכסף או בשטר או בביאה וכולן בעדים

Moſes Kotſenſ. fol. 124.

k הרי את מקודשת לי

Maimonid. in Iſcheub. c. 3. §. 1.

writing, but betrothing by copulation was forbidden by the wise men of Israel, and whan so did it, was chastised with rods; howbeit the betrothing stood in force. These solemnities in betrothing, were performed by the man and woman, vnder a tent or canopy made for the purpose, called in their language [1] Chuppa, A Tabernacle, or Tent: to this the Psalmist alludeth, Psal. 19.4,5. In them hath he set a Tabernacle for the Sunne, which as a Bridegroome, comming out of his chamber, rejoyceth as a strong man to run a race.

[1] חופה Elias Thesbit.

Thirdly, the rites and ceremonies of their mariage were performed in the assembly of ten men at least, with blessings and thanksgivings vnto God, whence the house it selfe was called [n] Beth hillula, the house of praise: and their mariage song, [n] Hillulim, praises. The bridegroomes intimate friends which accompanied him, and sung this Epithalamium or mariage song, were termed υἱοὶ τοῦ νυμφῶνος, Children of the bride-chamber, Mat. 9.15. Such I conceive those thirty companions to have beene, which Sampson associated to himselfe, Iudg. 14.11. The forme of this praise, or blessing, is at large described by Genebrard, and the summe thereof is this: The chiefe of these companions taketh a cup, and blesseth it, saying, Blessed art thou, O Lord our God, the King of the world, which createst the fruit of the vine. Afterward then he saith; Blessed be the Lord our God, the King of the world, who hath created man after his owne image, according to the image of his owne likenesse, and hath thereby prepared vnto himselfe an everlasting building, blessed be thou O Lord, who hast created him. Then followeth againe; Blessed art thou, O Lord our God,

who

who hast created joy and gladnesse, the bridegroome and the bride, charity and brotherly loue, rejoycing and pleasure, peace and society: I beseech thee, O Lord, let there suddenly be heard in the cities of Iudah, and the streets of Ierusalem, the voice of ioy and gladnesse, the voice of the bridegroome and the bride: the voice of exultation in the bride-chamber is sweeter than any feast, and children sweeter than the sweetnesse of a song: and this being ended, he drinketh to the maried couple.

This custome of *praising God* at such times was not needlesse, or superfluous, for the *fruit of the wombe* was expected as a *speciall blessing from God*, and so acknowledged by them in that saying: That *foure keyes* were in the hand of him, who was the *Lord* of the whole world, which were committed neither to *Angell*, nor *Seraphim*; Namely, [o] *Clauis pluuiæ, clauis cibationis, clauis sepulcrorum, & clauis sterilitatis.* Concerning the *key of raine*, thus speaketh the Scripture; *The Lord will open to thee his good treasure*, Deut. 28. Concerning the *key of food*; *Thou openest thy hands*, Psalm. 145. Concerning the *key of the grane*; *when I shall open your sepulchers*, Ezek. 37. Concerning the *key of barrennesse*; *God remembred Rachel, and opened her wombe*, Gen. 30. Whereby is intimated, that these foure things, *God hath reserued in his owne hand and custody*, Namely, *Raine, Food, the Raising of our bodies, and the Procreation of children.*

[o] מפתח מטרא מפתח מרנסה מפתח קבריא מפתח עקרתא Targum Hierosol. Gen. 30. 22.

The *time of the mariage feast* appeareth clearely to haue beene, *vsually* [p] *seuen dayes. Sampson* continued his *feast seuen dayes*, Iud. 14. 10, 12. And of this *seuen dayes feast*, [q] *Diuines* doe vnderstand that speech of *Labans* vnto *Iacob*, concerning *Leah*; *Fulfill her weeke*, and we will also giue thee this, *Genes.*

[p] Vid. Thubi. in חתן

[q] Augustin. quæst. super Genes. 88.

cap. 29. In which speech, it is thought that *Laban* did desire *Iacob*, not to reiect and turne away *Leah*, but to consume the present mariage, by fulfilling the *vsuall dayes of her mariage feast*. From this custome, together with the practice of *Ioseph*, mourning seuen dayes for his father, *Gen.* 50. 10. arose that vsuall prouerbe among the *Iewes*; *Septem ad connubium, Septem ad Luctum*. The chiefe gouernour of the feast was called בעל משתה *Baal mischte*; which name is fitly expressed by being called the *Ruler of the feast*, *Ioh.* 2. 9. The *moderne Iewes in Italy*, when they inuite any to a *mariage feast*, vse this forme of words; *Such a one, or such a one intreateth you to credit his daughters mariage, with your presence at the feast, &c.* Then he which is inuited replieth, מזל טוב *Mazal tob*: which some interpret to be the wishing of *good lucke* in generall; but I rather thinke, that hereby was wished to the maried parties, *a speciall blessing in the procreation of children*: whence the *wedding ring*, giuen vnto the Bridewife, had [a] this inscription or posie, *Mazal tob*; and the *Hebrewes* call the *Planet Iupiter*, *Mazal*, whose influence, they thought to be of great efficacy and force for generation: but in truth, *Mazal* signifieth any other Planet or Starre in the heauen, according to that *Hebrew* prouerbe, [b] *There is no herbe in the earth, which hath not a Mazal, or Starre, in the firmament ouerthrowing it, and striking it, saying, Grow.* Now *tob* signifieth *good*, so that the phrase soundeth as much as, *Be it done in a good houre*, or *vnder a good Planet*.

בעל משתה. I Apocryphon S.

מזל טוב. Sinhim de 72 lingu. f. 72. c. 3.

a Munster Gen. 39

b Non est tibi vlla herba in terris cui non sit Mazal in firmamento, & sertu ipsam percutiat Mazal, & dicit ei Cresce.

It. At the time of the marriage also, the man gaue his wife a *dowry bill*, which the *Scriuener wrote*, and the Bridegroome paid for, whereby he endowed his

spouse,

spouse, if she were a *virgin*, with two hundred deneyrs (that is, fifty shekels) and if she had beene maried before, with an hundred deniers (that is, twenty five shekels) and this was called the *root* or *principall of the dowry*: the *dowry* might not be lesse, but more, so much as he would, though it were to a talent of gold. There is mention of a *contract* between *Tobias* and *Sarra*, and that was performed, *not by a Scrivener*, but by *Raguel*, the womans father; where we may observe, that before the writing of this bill, there was a *giving of the woman vnto her husband*. The forme of words there vsed is, *Behold, take her after the law of Moses, Tobit. 7. 14.* A copy of this dowry-bill is taken by *Bertram*, out of the *Babylon Talmud*. The words thereof are thus; [1] *Vpon the sixth day of the weeke, the fourth of the moneth Siuan, in the yeare fiue thousand two hundred fifty foure of the creation of the world, according to the computation which we vse here at Maßilla, a City which is situate neare the Sea shoare, the bridegroome Rabbi Moses, the sonne of Rabbi Iehuda, said vnto the bridewife Clarona, the daughter of Rabbi Dauid, the sonne of Rabbi Moses, a Citizen of Lisbon; Be vnto me a wife according to the law of Moses and Israel; and I according to the word of God, will worship, honour, maintaine, and gouerne thee, according to the manner of the husbands among the Iewes, which doe worship, honour, maintaine, and gouerne their wiues faithfully. I also doe bestow vpon thee, the dowry of thy virginity, two hundred deniers in siluer, which belong vnto thee by the law; and moreouer, thy food, thy apparell, and sufficient necessaries, as likewise the knowledge of thee, according to the custome of all the earth.* Thus *Clarona* the *Virgin* rested, and

[1] Talmud Bab. vid. Buxtorf. Grammatic. Chald. p. 389.

became a wife to *Rabbi Moses*, the sonne of *Iehuda* the Bridegroome.

After the mariage was finished, then the wife might challenge from her husband three things as debt. 1. *Food.* 2. *Apparell.* 3. *Cohabitation*, or *the right of the bed*; which they note from *Exod.* 21. 10. where it is said, if he take him another wife, *her food, her raiment, and her duty of mariage shall he not diminish.* And vnto this the *Apostle* alludeth, calling it, *Due benevolence*, 1 *Cor.* 7. 3.

The wife, when she was first presented vnto her husband, covered her head with a *veile*, in token of *subiection*. *Rebecca* tooke a *veile*, and covered her selfe, *Gen.* 24. 65. and for this cause (namely in *signe of subiection*) ought the woman to haue power on her head, 1 *Corinth.* 11. 10. where by *power*, the *Apostle* vnderstandeth a *veile*. Doe any aske the question, why he should denote this *veile* by the name of *power*, especially seeing it was in *token of subiection*? The *Apostle* being an *Hebrew* of the *Hebrewes*, might haue respect vnto the *Hebrew* word [z] *Radid*, signifying a *veile*, which commeth from the root *Rudad*, to *beare rule and authority*, and so might vse the *Greeke* word, signifying [a] *power*, in the same sense as the *Hebrewes* did. And in truth, what was this *subiection* to the husband, but a kinde of *power* and *protection* derived vnto the *wife*, in comparison of her former state, being a *Virgin*? and therefore in case her husband was iealous of her, amongst other tokens of sorrow, she was commanded to stand at her triall with her [b] *head vncouered*, *Numb.* 5. 18. intimating thereby, that if she could not then cleare her selfe, she was from thence forward, deprived of all *power*, which

[z] רדיד *Velamen mulieris, à verbo* רדד *Subiecit.*

[a] Ἐξουσία.

[b] קלא רדיד *Sine Radid. sed* Ἐξουσίαν. *Sic ago interpretor verba Maimon. in Sota. cap.* 3. §. 5.

which heretofore she enioyed by the meanes of her husband.

After the mariage was finished, sometimes there was permitted a *Bill of divorce*; this, the *Hebrewes* called [c] *Sepher Kerithuth*, *A bill of cutting off*, because the woman is by this meanes *cut off from her husbands family*. [d] *Ten things* were thought requisite as the *roote* and foundation of a *divorce*. 1. *That a man put her not away, but of his own will*. 2. *That he put her away by writing, not by any other thing*. 3. *That the matter of the writing be to divorce her, and put her away out of her possession*. 4. *That the matter of that divorcement be betweene him and her*. 5. *That it be written by her name*. 6. *That there have action wanting, after the writing thereof, saue the deliuery of it vnto her*. 7. *That he gaue it vnto her*. 8. *That he gaue it her before witnesses*. 9. *That he gaue it her by the law of divorces*. 10. *That it be the husband or his deputy, that deliuereth it vnto her*. The forme or copy of this *Bill of divorcement* was, as it followeth; [e] *Vpon such a day of the weeke, such and such of the moneth N. such or such a yeare of the creation of the world, according to the computation which we vse here in this City N. situate neere the riuer N. that I of the Countrey N. the sonne of Rabbi N. of the Countrey N. But now I dwelling in such or such a place, neere such, or such a riuer, haue desired of mine owne free will, without any coaction, and haue divorced, dismissed, and cast out thee, thee I say, thee my wife N. of the Countrey N. the daughter of Rabbi N. dwelling in such or such a Countrey, and dwelling now in such or such a place, situate neere such or such a riuer, which hast beene my wife heretofore; but now I doe divorce thee, dismisse thee, and cast thee out, that thou*

[c] סמרי בריהוה *Grace Episcopius instructis.*

[d] *Maimon. de divort. cap. 1. §. 1.*

[e] *Hac forma repetitur apud Mosem Kotsensem fol. 113. Aliud exemplar ibidem habetur. Item in Mose Ægyptio part. 2 fol. 59 vsq: de sumpta est hæc testium subscriptio quam apposuimus.*

thou maiest be free, and haue the rule of thy selfe, to depart, and to marry with any other man, whom thou wilt; and let no man be refused by thee for me, from this day forward for euer. Thou be thou lawfull for any man, and this shall be to thee from me, a bill of separation, a bill of diuorce, and a letter of dismission.

According to the Law of Moses *and Israel.*

N. the sonne of N. witnesse.
N. the sonne of N. witnesse.

f Salomon Iarchi. Hos. cap. 1. 10.
g Maimon. de diuort. cap. 11. §. 18.

This *bill* was written by a f *Sciuener*, or *publike Notary*. And g furthermore, a woman being *diuorced*, or otherwise *a widow*, it was not lawfull for her to marry againe, till she had *taried ninety dayes, besides the day of her diuorce, or of her husbands death, and her last espousals: to the end that it might bee knowne whether shee were with childe or no, and that there might be proofe, whether it were the seed of her first husband or of her second.*

It was a common custome among the *Romans*, about the time of our *Sauiours* birth, euen for the women to *diuorce* their *husbands*, and to *marry* againe at their pleasure. Of this, *Heathen* Authors speake:

——*Sic fiunt octo mariti.*
Quinque per autumnos.
Iuuenal. Satyr. 6. vers. 230.
Et nubet decimo iam Thelesina viro.
Martial. lib. 8.

h Senec. 3. de Benef. 16.
i Plutarch. in Alcibiade.

h *Non consulum sed maritorum numero annos suos computant*, &c. The bill tendered by the woman, was termed i γραμματα ἀποστασιου, *Letters of forsaking*, not

not letters of cutting off, or putting away. This same practice was in vse also among the *Hebrewes.* Hence is that saying of our *Sauiour: If a woman shall put away her husband, and be maried to another, &c. Mark.* 10. 12. Now although, at that time humane lawes forbade not *mariages renewed with others vpon such diuorces,* yet *Gods* law condemned both such *diuorces,* and such *mariages,* and before *God,* persons marrying after such diuorcements, were reputed *digamites,* that is, to haue *two husbands, or two wiues.* For this reason, a *Minister* aboue others is commanded to be μιᾶς γυναικὸς ἀνὴρ, *The husband of one wife,* 1 *Tim.* 3. 2. And the *woman,* she is commanded to be ἑνὸς ἀνδρὸς γυνὴ, *The wife of one husband,* 1 *Tim.* 5. 9. In which texts *second mariages* (in case of the husbands or wiues death) are no more forbidden, than the Poet forbade them in the like Phrase:

Vnico gaudens mulier marito.
Horat. carmin. 3. 14.

Note in the last place, that among the *Iewes* the Bride woman also brought a *dowry* to her husband; it was sometimes *more,* sometimes *lesse*; it was called by the [k] *Rabbines* נדוניא *Nedunia. Raguel gaue with his daughter Sarra, halfe his goods, seruants, and cattell, and money, Tob.* 10. 10.

[k] *Elias Thisbi. It. Solom. Iarchi. Gen.* 31. 15.

CHAP. V.

Of their Burials.

AT the time of a mans death, before his *burial*, many ceremonies were obſerued. *Firſt*, the next of the kinne cloſed the eyes of the deceaſed body. *Ioſeph ſhall put his hands vpon thy eyes*, *Gen.* 46. 4 This was likewiſe practiſed both by the *Romans*, and the *Grecians*.

Ille meos oculos comprimat, ille tuos. Ouid.

ὄυτι κεκμηῶτα δυσὶν παρὰ πῆρ. *Homer. Iliad.* 11.

Secondly, they *waſhed* the body being dead. *Tabitha died, and when they had waſhed her, they laid her vp in an vpper chamber*, *Act.* 9. 37. The *Baptization*, or *waſhing* at ſuch a time, was threefold. The *firſt* was βαπτισμὸς ἀπὸ νεκρῶν, *Eccleſ.* 34. 26. *A waſhing from the pollution contracted by the touch of a dead carcaſſe*; ſo that if haply any ignorantly and vnawares became thus vncleane, then was he by a kinde of *waſhing* to be made cleane againe. The ſecond was βαπτισμὸς τῶν νεκρῶν, *A Baptization*, or *waſhing of the dead corps it ſelfe*; thus *Tabitha* was *waſhed*: neither is the word βαπτισμὸς vnuſually applyed to *common waſhings*, as *Mark.* 7. 4. we reade of the *waſhing of cups, pots, veſſels, tables*; the *Greeke* is βαπτισμοὶ. The *firſt* of theſe waſhings was proper to the *Iewes*: this *ſecond*, in vſe with *Iewes*, [a] *Chriſtians*, and [b] *Heathens*: the *third* (which was βαπτιζόμενοι ὑπὲρ τῶν νεκρῶν, *A baptization for the dead*; 1 *Cor.* 15. 9.) proper to ſome *amiſſe led Chriſtians*. It may be demanded, what manner of *Baptiſme*

[a] *Tertullian. Apolog. cap.* 47. *It. Euſeb. hiſt. lib.* 7. *c.* 17.
[b] *Corpuſque lauant frigentia & vnguunt. Virg. lib.* 6. *Æneid.*

tiſme this was? With ſubmiſſion of my iudgement, I vnderſtand this place with [e] Saint *Ambroſe*, of a *Sacramentall waſhing*, applied vnto ſome liuing man in the name and behalfe of his friend, dying without *Baptiſme*, out of a ſuperſtitious conceit, that the *Sacrament* thus conferred to one aliue, in the name of the deceaſed, might be auaileable for the other dying *vnbaptiſed*. As if the *Apoſtle* did wound thoſe ſuperſtitious *Corinthians* with their own quils, and proue the reſurrection of the dead from their owne erroneous practiſe, telling them in effect, That their ſuperſtitious cuſtome of *baptiſing* the liuing for the dead, were vaine and bootleſſe, if there were no reſurrection. And therefore the *Apoſtle* vſeth an emphaticall *diſtinction of the perſons*, in the next immediate verſe, ſaying; Why are *we* alſo in ieopardy euery houre? He inferreth the reſurrection by force of a *double* argument; the *firſt*, drawne from *their* ſuperſtitious *baptization* for the dead: the *ſecond*, from the hourely ieopardy and perill wherein we, that is, himſelfe and other *Chriſtians* are. So that, as that *Father* noteth, the *Apoſtle* doth not hereby *approue* their doing, but *euinceth* their hope of the reſurrection from their owne practiſe, though erroneous. That there was [d] *Vicarium tale baptiſma* (as *Tertullian* calleth it) in vſe among the *Marcionites*, is euident, yea and amongſt the [e] *Cerinthians* alſo: the manner thereof is thus deſcribed; [f] *When any Catechumeniſt died, ſome liuing perſon placed vnder the bed of the deceaſed, they came vnto the deceaſed party, and asked him, whether he would be baptiſed? then hee replying nothing, the party vnder the bed anſwered for him, ſaying, that hee would be baptiſed: and thus they*

[e] *Ambroſ. 1 Cor. 16.29.*

[d] *Tertullian. lib. de reſurrect. carnis.*

[e] *Epiphan. de Cerinthianis haereſ. 28*

[f] *Chryſoſt. 1 Cor. 15.*

baptised him for the dead, as if they acted a play vpon the stage.

The *third* ceremony vsed by the *Iewes* towards the dead party, was the *enbalming* of the corps, which for the maine thereof, it is probable they learned from the *Ægyptians*, for we finde *Ioseph* to be the *first* that practised it, *Gen.* 50. 2. The *Ægyptian* manner of *enbalming* was thus: [g] *They tooke out the bowels of the dead, they cleansed them and washed them with the wine of Dates, & after that againe with Odors: then filled they the bowels with pure Mirrhe beaten, and Casiia, and other Odors (except Frankincense) & sewed them vp. After this, they seasoned the corps hidden in nitre, seuenty dayes, not longer: after seuenty dayes they washed the corps, & wrapped it in fine linnen cloth gummed, which gumme the Ægyptians often vsed in stead of Glew.* The *Greeks* termed this [h] And the vse thereof was for the *preseruation* of the body, that it might not putrifie, and therefore when the funerall obsequies were not long delayed, they vsed *another kind of enbalming*, namely an externall and outward application of Spices and Odours, without the vnbowelling of the corps. This the *Greekes* termed [i] This was vsed toward our *Sauiour Christ*, *Iohn* 19. 40.

g *Herodot. Euterp.*

h *Vsurpatur tamen* τὸ ἐντάφιον *in scriptura, lata significatione, ad denotandam vtramque conditionem. Ita* Ioh. 12. 7. *accurrit, Gen.* 50. 26. *pro eo, quod in Hebræo* וַיְחַנְּטוּ *Et aromatibus condiuerunt.*

Sometimes they did vse to *Burne the corps*, preseruing onely the bones in some vrne or pitcher, *Amos* 6. 10. But commonly they interred the whole body, and buried it in the earth. The ancient *Iewes* if they receiued not from their Ancestours, then would they purchase a *buriall place* themselues, for the buriall of them, and their family. The forme of that place was thus; It was a *vault* hewed out in a

rocke,

rocke, [l] six cubits long, and foure broad, in which eight other cels or lesser holes (or as some say thirteene) were made, as so many distinct receptacles, or *tombes* for the dead bodies to be laid in: As often as they buried any, they were wont to *role a great stone to the mouth of the cane*. The *caue* or *vault* it selfe they termed from the act of buriall, [k] *Keber*, which signifieth a *place of buriall*; or from its forme, [l] *Mesura*, a *denne*, or *caue*. The seuerall *cells* or receptacles in which the body was laid, they called [m] *cucim*, *graues*, *toombes*; and the *stone* they named [n] *Golel*, A *rolling stone*. This giueth great light to that in the *Gospell*, *Ioseph* tooke the body of *Christ*, and wrapped it in a cleane linnen cloth, and put it in his new *toombe*, which he had hewen out in a rocke, and *rolled a great stone to the doore of the Sepulcher*, *Mat.* 27. 59. 60. These *caues* or *vaults*, the wealthier sort would *paint*, *garnish*, and *beautifie* at the mouth or entrance of them: hence commeth that phrase, *Sepulchra dealbata*, *Painted toombes*. As often as they had occasion to mention or speake of any friend deceased, they vsed that in the *Prouerbs*, *The memory of the iust is blessed*, *Prou.* 10. 7. Hence the *Rabbies*, in their quotations of any worthy Author deceased, vsually subioyne this honourable commemoration, *Benedictæ memoriæ N. Such*, *or such a one of blessed memory*.

But their vsuall epitaph or inscription vpon their sepulchers, was, [p] *Let his soule bee bound vp in the Garden of Eden*, *Or in the bundle of the liuing*, *Amen*, *Amen*, *Amen*, *Selati*.

The latter *Iewes*, haue beene strangely conceited concerning the place of burials, and are perswaded, that if an *Israelite* be buried in any strange Country

[l] חמשה טפחים על ששה
Talmud. Seder Nezikin Baba Bathra cap. 6.

[k] קבר מערה

[m] בוצים

[n] גלל

[o] זכרונו לברכה *Memoria eius sit in benedictione.*

[p] נשמתה תהא צרורה בגו ערון א א א סלה
Sheindler in ערך

out of the promiſed land, he ſhall not be partaker ſo much as of reſurrection, except the *Lord* vouchſafe to make him *hollow paſſages* vnder the earth, thorow which his body by a continuall volutation and rolling, may be brought into the land of *Canaan*. The ground hereof, is taken from the charge of *Iacob* vnto his ſonne *Ioſeph*, that he ſhould not bury him in the land of *Egypt*, but in *Canaan*.[q] For which charge they aſſigne three reaſons. *Firſt*, becauſe he foreſaw by the ſpirit of Prophecy, that the duſt of that land ſhould afterward be turned into lice. *Secondly*, becauſe thoſe who died out of the holy land, ſhould not riſe againe without a painfull rolling and tumbling of their bodies, thorow thoſe hollow paſſages. *Thirdly*, that the *Egyptians* might not idolatrouſly worſhip him.

[q] *Solom. Iarchi, Gen.47.29.*

They made a feaſt at their burials, which is ſtiled *The bread of men*, *Ezek.24.17.* And a *cup of conſolation*. *Ier. 16.7.* becauſe it was adminiſtred to comfort thoſe that were ſad of heart. It much reſembled the *Roman Silicernium*.

[r] *Gentes quaſdam corporis partes aut vulnerabant, vel alias inciderant, æramentumque ſuper ponebant, quod in cultum dæmonum ſuorum fiebat, præcipitur ergo ne vllo pacto ſicut gentes ferrent carnes ſuas: quemadmodum ſacerdotes Cybeles & dea Syrorum, vt refert Lucianus. P. Feſt. Deut.14.1. Vnguibus aut ferro ſedans & pectora pugnis. Virg. lib.4. Æneid.*

From thoſe two places laſt quoted, we may obſerue that at the buriall of their friends, they vſed theſe ceremonies which follow, ſome to *teſtifie*, ſome to *augment* their griefe. 1. *Cutting themſelues*, that is, wounding or cutting any part of their body, with any kinde of inſtrument. [r] This practice was learned from the *Heathens*, who were wont not only to ſcratch their face, but to punch and pricke certaine parts of their body with a needle, and then cover it ouer with inke, which they vſed as a ſpeciall ceremony in their ſuperſtitious worſhip, and therefore it is forbid, *Deut.14.1.* *Secondly*, *making themſelues*

ſelues bald, which was done diuers manner of wayes; either by *ſhauing their haire*, or *plucking it off* with their hands, or by *empoiſoned plaiſters to make it fall off*. Other nations were wont to ſhaue off the [c] haire of their head, and to offer it in the behalfe of the dead: they did ſometimes ſhaue their cheeks, ſometimes their eye-lids: and this alſo being an *Heathenish* cuſtome, was likewiſe forbidden in *Iſrael*, *Deut.* 14. 1. *Thirdly*, *going bare headed* that they might caſt duſt or aſhes vpon their heads, ſignifying thereby, that they were *vnworthy the ground on which they went*. *Fourthly*, *going barefooted*, for their greater humiliation. *Fifthly*, *the couering of their lips*, for that was a ſpeciall ſigne of ſorrow, and ſhame. *The Seers ſhall bee aſhamed*, *&c.* they ſhall all *couer their lips*, for they haue no anſwer of *God*, *Mich.* 3. 7. If it be demanded, how they couered their lips? It is thought they did it [t] *by caſting the skirt of their cloke, or garment ouer them*. *Sixthly*, [u] *renting their clothes*. *Seuenthly*, *putting ſackcloth about their loynes*, *Geneſ.* 37. 34. Theſe were generall tokens of griefe, vſed vpon all extraordinary occaſions of ſorrow. Two other there were, more proper to burials, to augment their griefe. *Firſt*, *minſtrels*, who with their ſad tunes inclined the affections of the people to mourning. [x] Of theſe there were *two ſorts*: Some playing on *pipes*, others ſounding *trumpets*. At the funerall of Noblemen, or old men, they vſed a *trumpet*: at the funerall of the common people, or children, they vſed a [y] *pipe*. In this reſpect it is ſaid; *That Ieſus when hee raiſed Iairus his daughter*, *caſt out the minſtrels*, *Mat.* 9. 23. *Secondly*, women hired to ſing at burials for the ſame purpoſe, and likewiſe by outward ſignifications

[c] *Sellis fieri impoſuere capillos. Ouid. met.* 3.

[t] *D Kimchi. & Aben Eſra. P. Fag. Leuit.* 14 45.

[u] *Sciſſa Polyxena palla. Iuuenal. Satyr.* 10.

[x] *Maiorib ætatis funera ad tubam proferre ſolebant: minorum verò ætatis ad tibiam. Seruius Æneid lib.* 5.

[y] *Tibia ei teretes ſuctum docuere nouales. Lege Phrygia Statius, Theb. lib* 6. *verſ.* 121.

fications of sorrow, to moue the company, and more strongly to affect them, *call for the mourning women, &c. and send for skilfull women, Ierem. 9. 17.* These the *Romans* called, *Præficas, quasi in hoc ipsum præfectas, Chiefe or skilfull mourners.*

Chap. II.

Of their Oathes.

THe manner of *swearing*, was sometimes *by lifting vp their hands towards heauen*; *Abraham* said to the *King of Sodome*; *I haue lifted vp my hand vnto the Lord*, that is, I haue *sworne*, that I will not take from a threed euen to a shooelatchet, *Gen.* 14. 22. Vnto which custome the *Psalmist* seemeth to allude, *Ps.* 106. 26. *He lifted vp his hand*; that is, *he swore*. Sometimes he that took the oath, *did put his hand vnder the others thigh*, which administred the oath. We read this manner of administration, to haue beene vsed by *Abraham*, *Gen.* 24. 2. and *Iacob*, *Gen.* 47. 29. Which ceremony, [a] some interpret to be, as a *token of subiection*: [b] others as a *mystery of circumcision*, the signe whereof they bore about that place of their body: others more probably thinke it to bee a *mysterious signification of Christ the promised seed*, who was to come out of *Abrahams loynes*, or *thigh*, as the like phrase is vsed, *Gen.* 46. 26. the soules that came out of *Iacobs thigh*. Sometimes also the manner of deposing, was to *stand before the Altar*, 1 *King.* 8. 31. Which was also the custome of the [d] *Athenians*, the [e] *Carthaginians*, and the [f] *Romans*.

The *obiect of a lawfull oath*, was, and is, *onely the Lord:*

[a] *Aben Esra Gen.* 24. 2.
[b] *Salomon Iarchi ibid.*
[c] *Augustin quæst. super Gen.* 62.

[d] *Alex. ab Alex. lib.* 5. *c.* 10.
[e] *Linius dec.* 3. *lib.* 1. *Valer. Max. lib.* 9. *cap.* 3.
[f] *Iuuen. Ict et Sanctobrum & nostrorum oras Iuuenal. Satyr.* 3.

Lord: whence he that tooke the oath, was said to *confesse vnto God*. Compare *Esay* 45. 23. with *Rom.* 14.11. And the ancient forme of imposing an oath was this, *Giue glory to God*, *Ios.* 7.19. *Iohn* 9.24. Now *God* was glorified by an oath, because thereby there was a solemne confession and acknowledgement of *Gods omnipresence*, that he is present in euery place; of his *omniscience*, that hee knoweth all secrets; of his *truth*, that he is *a maintainer of truth*, and *an auenger of falshood*: of his *iustice*, that hee is *willing*, and his *omnipotency*, that hee is *able* to punish those, that by swearing shall dishonour him. And as the *obiect of a lawfull oath* was *onely God*; So it is implyed that it was not rashly or vnaduisedly to be vndertaken, but by a kinde of necessity *imposed*, for the *Hebrew* word נִשְׁבָּע is a passiue, and signifieth to *be sworne*, rather than *to sweare*.

In corrupter times they were wont to sweare *by the creatures*, but the *Iewes* chiefly by *Hierusalem*, *by the Temple*, *by the gold of the Temple*, *by the Altar*, *and the gift on the Altar*. This *gift* in *Hebrew* was termed *Corban*, and it was one of those [h] oathes, which in our *Sauiour Christs* time the *Scribes* and *Pharises* accounted principally obligatory. If any swore *by the Altar*, it was nothing: but if any swore by the *oblation of the Altar*, hee was bound to performe it, *Matt.* 23. 18. yea although *Gods law* inioyned honour, and releefe towards parents, yet if they had bound themselues by this *oath Corban*, that they would not help or releeue their parents, they taught they were discharged. Whence saith their [i] *Talmud*, *Euery one ought to honour his Father and Mother except he hath vowed the contrary*. And it is euident,

[h] Aliam, per mare & sepulchra inter deos iurare solebant Aegyptij. Diod. lib. 1. c. 6. Item Iuuenalis Sat. 15. Ἐπίσκηψον μοι, ἢ μὰ τὸν τῶν Ἱεροσολύμων ἢ τὸν Κορβᾶν ὀμόσασιν. Inter quæ sacramenta quia sanctissimum erat, Iudæi iurando vtebantur. Corban appellatur, apud Iosephum contra Apionem libro 2. p. 147.

[i] Talmud Hierosolymit. tract. de vitis cap. 10.

that the *Iewes* did often, by solemne vowes and [k] *oathes binde themselues, that they would neuer doe good to such, or such a man.* We must furthermore know, that vsually to their oathes there was an *execration*, or *conditionall curse* annexed, which sometimes was *expressed*, as, *If I doe not doe thus, and thus, then the Lord doe so to me, and more also*, 1 *Sam.* 14.44. Also 1 *King.* 20.10. Sometimes it is *vnderstood*, as, *I haue sworne, if I take from a threed to a shooe latchet, Gen.* 14.22. *then let the Lord do so to me, and more also*, this, or the like is *vnderstood*, and maketh the former part of the oath, to sound negatiuely; as if *Abraham* had said, *I haue sworne, I will not take from a threed to a shooe latchet.* In like manner, *Psal.* 95. I haue sworne *if they shall enter into my rest*: that is, *They shall not enter into my rest*, *Heb.* 3.18. This helpeth the exposition of that difficult place, *Mat.* 15.5. which we reade, [l] *By the gift that is offered by me thou maist haue profit*: but if we conceiue it thus, according to the forme of the *oath Corban*; *By Corban if thou receiue any profit by mee*: and vnderstand the execration implyed, *Then let God doe thus and much more to me*, the sense will be thus; *By Corban thou shalt receiue no profit by me.* This exposition is as agreeable to the scope of the place, as it is to their forme of swearing, and plainly sheweth how the Pharises, by their traditions, transgressed the commandement of *God*. For *God* commanded saying: *Honour thy father and thy mother.* But the *Scribes* and *Pharises* said: Whosoeuer should say to father or mother, seeking releefe, *By Corban thou shalt receiue no profit from me*, he was discharged.

Chap.

k Ὅρκῳ συνδεῖν, καὶ ἀρᾶς μὴ ποιήσειν ἀφέλειαν τινα. Iuramento se obstringant, hanc vel illi hominis nihil se commodi præstituros. Philo Iud. de specialibus legib. p. 995.

l Δῶρον, ὃ ἐὰν ἐξ ἐμοῦ ὠφεληθῇς. Per Corban, si quicquam tibi prodero: Interpretor ὃ ἐὰν Si quicquid: quemadmodum ὃς ἐὰν Si quisquam, Mat. 10.14. & Matt. 23.18. Et execratione subaudita sensum extorqet. Per Corban nihil tibi prodero. Cæterum, si quis urgeat, quòd in fonte sit κορβᾶν, non per Corban, vel ἐν κορβᾶν: secundum, quòd scribis ellipsis in iurandi formulis non est inusitata, hinc הבישען הוה volet הוה במשען per donarium hoc. Vid. Buxtorf. de tribus sectis l. 2 cap. 17.

Chap. VII.

Of their writing, their Masorites, and their worke.

Writing, in no nation came to its perfection on a sudden, but by degrees: The opinions of the ancient, concerning the authors and inuentors of letters, are different. Some say [a] *Cadmus* brought the vse of letters into *Greece*; others say, [b] *Palamedes*: [c] some say, *Rhadamanthus* brought them into *Assyria*: *Memnon* into *Egypt*: *Hercules* into *Phrygia*: and *Carmenta* into *Latium*. Likewise some say the *Phenicians* had *first* the knowledge and vse of letters.

[a] *Plin. lib. 7. cap. 56. Diodor. Sicul. lib. 6. cap. 15.*
[b] *Seruius lib. 2. Æneid.*
[c] *Alex. Genial. l. 2. cap. 30.*

Phœnices primi (famæ si credimus) ausi,
Mansuram rudibus vocem signare figuris,
Lucan.

Others say the [d] *Ethiopians*: [e] others the *Assyrians*. But vpon better grounds it is thought, that [f] *Moses first taught the vse of letters to the Iewes*, and that the *Phenicians* learned them from the *Iewes*, and the *Grecians* from the *Phenicians*.

[d] *Diodor. Sicul. l. 4.*
[e] *Plin. l. 7. c. 56.*
[f] *Euseb. præpar. Euang. l. 10.*

In like manner, the matter vpon which men wrote, in ruder times was different. Some wrote on *rindes of trees*, whence *Liber*, signifying originally *a rinde of a tree*, is now vsed for *a booke*: [g] some wrote on *tile-stones* with a *bone* instead of a *pen*: some on *Tables*; this last was chiefly in vse among the *Iewes*, the *Decalogue* was written in two *tables of stone*. Againe, write these things vpon a *table*, *Es.* 30. 8.

[g] *Diogen. Laert. in vita Cleanthis.*

ἐκ πύξου, saith the *Septuagint*, as if the *writing tables* at that time were made of *box treee*. They vsed not then *pens* or *quils*, but a certaine instrument or *punch*, made of iron or steele, called *stylus*, it was sharpe at one end, for the more conuenient indenting or caruing of the characters; and broad at the other, for the scraping or blotting out what had been written; whence sprang that prouerbiall speech: [h] *Innertere stilum, To vnsay what he hath said*, or *to blot out what he hath written*: *Scribe stylo hominis*: *write with the pen of man*, *Esa.* 8. 1. Afterward before they came to binde vp bookes in manner as now we haue them, they wrote in a *roll of paper* or parchment, which sometimes was *ten cubits* broad, and *twenty* long, *Zach.* 5. 2. This they called מְגִלָּה *Megilla* in *Hebrew*, from *Galal*, *to role*, *Volumen* in *Latine*; in *English* a *volume*, from *volo*, *to role*. In the *volume of the Booke* it is written, *Psal.* 40. 7. And *Christ closing* the Booke, gaue it to the Minister, *Luk.* 4. 20. the word is πτύξας, *complicans*, *folding*, or rolling it vp. And vers. 17. ἀναπτύξας, *Explicans*, *vnfolding*, or opening it.

[h] *Erasm. in Adag.*

[i] These *volumes* were written not with one entire continued writing, but the writing was distinguished into many *spaces*, *columnes*, or *platformes*, like vnto so many *Areæ*: these *platformes*, filled with writing, were in stead of so many *pages* in a booke: and thus wee are to vnderstand that, *Ierem.* 36. 23. When *Iehudi* had read three or foure *leaues*, hee cut it with the pen knife, *&c.* These *leaues*, were nothing else but such *spaces* and *platformes* in the *roll*. After this manner the *Iewes* reserue the law written in such *rolls* and with such *spaces* in their *Synagogues* at this day.

[i] *Buxtorf. institut. epist. 4.*

It

It is much controuerted, whether the Iewes did from the beginning write with vowels and accents, or whether they were added by the *Masorites*; for the vnderstanding of which, it will be needful, *First*, to enquire who the *Masorites* were; *Secondly*, what their worke was; and then to deliuer in a proposition, what may be probably thought in this point.

First, concerning the *Masorites*, wee are to know that [1] *Masar* signifieth *tradere*, *to deliuer*: and *Masora* [2] *traditio*, deliuered from hand to hand, to posterity without writing; as the *Pythagoreans* and *Druides* were wont to doe; but by the figure *Synecdoche*, it signifieth those *critical notes* or *obseruations*, written in the margine of the Bible, and those that were the authors of those *critical obseruations* were termed *Masoritæ*, *Masorites*. Concerning these authors who they were, there are two opinions. Some [3] thinke that they were certaine learned Iewes liuing in the city *Tiberias*, they termed them *Sapientes Tiberiadis*, *The wise men of Tiberias*. These *wise men* are thought to haue added these *marginall notes* vnto the *Hebrew Bibles*, [4] some time after the finishing of the *Babylon Talmud*, which was about the yeare of our *Lord*, 506. This opinion is vnlikely for these two reasons. 1. [5] Because wee cannot finde in histories, the continuance of any College or schoole in *Tiberias* so long, but rather that *degrees in learning* ceased there, within foure hundred yeares after our *Sauiour his birth*. 2. [6] In both *Talmuds* mention is made of the *Masora*, and the things contained therein. Others therefore more probably say, [7] that the *Masorites* were that *Eccleſiaſtical Senate* or *Conuent*, held by *Esra*, *Haggi*, *Zachary*, *Malachi*, and others

[1] *Aben Esra. vid. Buxtorf. Thesaurum Masoreth.*

[2] *Elias Leuita in Præfat. Tishbi. Masoreth Ha-Masoreth. Buxtorf. thesaurum Masoreth.*

[3] *Buxtorf. in comment. Masor. c. 7.*

[4] *Buxtorf. in comment. Masor. c. 8.*

[5] *R. Asarias. R. Gedalia. Buxtorf. in comment. Masor. c. 11.*

others assembled for the reformation of the Church, after their returne from *Babylon*; they are called *Viri Synagogæ magnæ*. This *Councell* continued at least forty yeares; for *Simeon the iust*, who went out in his *Priestly robes*, to meet and pacifie *Alexander the Great*, comming in hostile manner against *Ierusalem*, [p] was the last of that *Councell*, and that was aboue three hundred yeares before the birth of our *Saviour*. *Esra* was the *President* or chiefe of this *Councell*, he was of such repute among the *Iewes*, that they paralleld him with *Moses*, saying, [q] *Dignus erat Esra, quod data fuisset lex per manus eius Israeli, si non præcessisset eum Moses.*

[p] Pirke Aboth. c. 1.

[q] Talmud. Sanhedrim. c. 2 f. 21.

In the second place, we are to consider the *worke*, what the men of this great *Synagogue*, being the true *Masorites* did; their worke may be reduced to these particulars. 1. When this great *Councell* was assembled, they, among whom *Esra* was chiefe (who was assisted with the inspiration of *Gods Spirit*) [r] determined what *bookes* were *Canonicall*, what *spurious* and *Apocryphall*. Secondly, [s] the *antientique* and *Canonicall bookes*, were purged by them, of all errors crept into the Text in time of their captiuity. Thirdly, they [t] digested the *old Testament* into *twenty two bookes*, according to the number of the *Hebrew letters*. Fourthly, they distinguisht it into great *sections* and *verses*: for though the law was not so confusedly written, without any space or note of distinction betweene word and word, that it seemed all one *continued verse*, or as the *Kabbalists* speake, רשא תבא *Theba achath*, *one word*, vntill the time of the *Masorites*; yet it was not so distinguisht into *Sections*, and *verses*, as now we haue it. *Fifthly*, They added

[r] Buxtorf. in prooem. Masor. c. 12.

[s] Tertullian. l. de habit. mulierb. Chrysostom. hom. 3. ad Hebræos. Irenæus aduers. hæres. lib. 3. c. 25. Augustin. de mirab. sacræ script. l. 2. circa finem.

[t] Genebrard. l. 2. Chronog.

added their censures and *critical observations*, concerning the *irregularity* of many words, in respect of the *vowels* and *accents*. *Sixthly*, they numbred the *verses*, *words*, and *letters* of every booke, to prevent all possibility of corrupting the Text in future times, for now they say the gift of prophecy should cease. *Lastly*, they noted the *different writing*, and *different reading*: for the understanding of which wee must know, that in the *Hebrew* text, many words are written with *more*, many with *fewer letters*, than they are pronounced; * many words *written* in the text, which are not *pronounced*, &c. In the margine the difference is expressed, whence the difference in the text they terme כתיב *Kethib*, *Scriptionem*, the writing; the difference in the margine they terme קרי *Keri*, *Lectionem*, the reading, because they doe *reade* according to that in the margine. † This difference is thought by some to bee a corruption of the Bible, according to severall copies after their returne from *Babylon*, but that it is of *divine authority*, containing many mysteries knowne to *Moses*, and the *Prophets* successively (though many of them unknowne to our age) and that it was not any *correction*, but the difference it selfe primarily and purposely was intended by the *Prophets*, and holy pen-men of the Scripture, evidently appeareth by the diversity of readings in those bookes, which were written by *Haggai*, *Zacharie*, *Malachie*, *Daniel*, and *Esra*, they being the *Authors* of their owne bookes, needed no *correction* at that time, themselves being *present*, yet in them this *different reading* is used.

In the *third* place, the proposition followeth, namely, *Seeing that the Masorites used their censure*

* Sunt ello voces, quæ scriptæ sunt in textu, sed non leguntur, quas adduxit Masora Ruth. 3. 12.

† contra hæc disputat Elias Levita in præfat. 3. l. Masoreth. ham-masoreth.

on

in many words for their irregularity in their vowels and accents; therefore, *The vowels originally were not from the Masorites, but of the same antiquity with their words*; and in truth, otherwise they had beene a *body or carcasse without a soule.*

Chap. VIII.

Israels pitching of their tents, or of their camps.

WHiles the *Israelites* wandred thorow the Wildernesse, their *Church* was a *Tabernacle*, and their *habitations Tents*, so that their whole *Campe* might be termed a *moueable City*. It was diuided into three parts. In the centre or middle of all, was the *Tabernacle* it selfe, with its *courts*, this they termed the *Campe of the Diuine Maiesty*. Next round about, pitcht the *Priests* and *Leuites*, to whom the charge of the tabernacle belonged, (and therefore the neerest adioyning place of habitation, might be the conuenientest for them) this was called the *Campe of Leui*. In the vtter parts round about *Leui*, the *twelue Tribes* pitcht their tents, this they termed the *Campe of Israel*. The *first Campe* resembled a great *Cathedrall Church* with its *Church-yard*. The *second*, a priuileged place *about the Church*, as it were for *Colleges* for the habitation of the *Clergy*. The *third*, the *body of a City*, wherein the *townesmen* or *laity* dwelt. The forme of the whole, is probably thought to bee *foure square*, for they say *twelue miles long, and twelue miles broad.*

Vide Iud. Num. 2. 3.

In

In the Easterne part pitched these three tribes, *Iudah*, *Issachar* and *Zabulon*. On the Southside, *Ruben*, *Simeon*, and *Gad*. On the West, *Ephraim*, *Manasses*, and *Beniamin*. On the North, *Dan*, *Asher*, and *Naphtali*: and these made vp the *outward Campe*, termed the *Campe of Israel*. Betweene each tribe, in euery one of those foure quarters, there were distant spaces like streets, where there was buying and selling as in a market, and tradesmen in their shops, in [b] manner of a city leading to and fro. This *Campe* is [c] thought to be round a *mile distant* from the *tabernacle*, that is, *a Sabbath dayes iourney*, & this is gathered from *Iosh.* 3. 4. where the distance betweene the *people* & the *Arke*, is commanded to be *two thousand cubits*.

[a] Οὐ μὴν πόλεως γε, ἢ πλάτει μιᾶς περιγραφῆς κατὰ πάντα ἴσους. *Ioseph. l. 3. Antiq. c. 11. p. 97.*

[b] *Traditi Hebræi, filios Israelitas castrametatos fuisse in circuitu tabernaculi, vt vnum milliare interfuerit (s.) spatium mille passuum, & hoc erat iter Sabbati. P. Fag. Num. 2. 3.*

After this, pitched the *Campe of Leui*: In the Easterne part *Moses*, *Aaron*, and the *Priests*: In the South, the *Cohathites*: in the West, the *Gershonites*: in the North, the *Merarites*.

In the *middle* was the *Campe of the Diuine Maiesty*. Vnto this *Dauid* alludeth; *God* is in the *middest* of her, she shall not be moued, *Psal.* 46. 5.

After the same manner, the parts of the City *Ierusalem* were distinguished, when the common wealth was setled. [d] From the *gate of Ierusalem, to the mountain of the Temple*, was the *campe of Israel*: from the *gate of the mountaine of the Temple*, to the *gate of the Court* (which was otherwise called *Nicanors gate*) was the *Campe* of *Leui*: from the *gate of the Court*, & forward, was the *camp of the Diuine Maiesty*.

[d] *Maimon. in Bubhabchirab cap. 7. §. 11.*

Furthermore wee are to know, that the *twelue Tribes* had betweene them foure principall *banners* or *standards*, *three Tribes to one standard*, for which reason, the *Church* is said to bee terrible as an army

with *banners*, *Cantic.6.4.* The *Hebrew* word *Banner*, *Num.2.2.* the *Greeke* translateth [e] *Order*; and so the *Chaldee* calleth it [f] *Tekes* (a word borrowed of the *Greeke* τάξις) *order*: Whence the *Apostle* taketh his phrase, Euery man in his owne *order*, *1 Corinth.15.23.*

Euery *banner* was thought to bee of *three colours*, [g] according to the coulours of the precious stones in the brest-plate, bearing the names of their *Patriarchs*. But this proportion will not hold in all, seeing *Leui* (who is not here among the other *Tribes*) was in the brest-plate one of the *swelue*; and *Ioseph* there graued on the *Berill*, hath here *two tribes*, *Ephraim*, and *Manasses*, vnto whom *two colours* cannot bee allowed from the brest-plate.

Each *banner* had his seuerall *motto*, or inscription. In the *first standard* was written, from *Num.10.25. Rise vp Lord, and let thine enemies be scattered, and let them that hate thee, flee before thee.* [h] It is moreouer taught by the *Hebrewes* that each *standard* had a distinct *signe* engrauen in it. *Rubens standard* had the *image of a man*: *Iudahs* the *image of a Lion*: *Ephraims* the *image of an Oxe*: and *Dans* the *image of an Eagle*.

These same *foure creatures* are vsed by *Ezekiel* [i] 10. to describe the [k] nature of *Angels*. Euery *Cherubim* is said to haue *foure faces*; the *face of a man*, to shew his vnderstanding; *of a Lion*, to shew his power, *of an Oxe*, to shew his ministratory office; *of an Eagle*, to shew his swiftnesse in the execution of *Gods* will. The same description of *Angels* you may finde, *Reuel.4.6.*

By the same *foure*, in the opinion of many of the [k] *Fathers* are shadowed forth the *foure Euangelists*. The

[e] Ἀνδρώματα ἐκάστου καὶ τάγματα αὐτῶν.

[f] גבר על טקסיה quisque iuxta ordinatam suam aciem

[g] Ionathan Vziel. Numb.2.3.

[h] Dicunt in vexillo Ruben fuisse imaginem hominis: in vexillo Iehudah, imaginem leonis: in vexillo Ephraim, imaginem bouis: in vexillo Dan, imaginem aquilæ. P. Fag. Num.2. Aben Ezra ibid.

[i] Angeli ex hoc versu definiri possunt. Sunt enim spiritus intelligentes vt homo, potentes vt Leo, ministratorij vt Bos, & celeres vt Aquila. Tremel. in Ezech.1.

[k] Hieronym. ad initium suæ commentarij in Mat.1. Gregorius homil.4 in Ezek. Ab Hieronymo dissentit D. Augustinus in Matthæo, & Marco, nam in leone Matthæum, Marcum in homine putat adumbratum. Augustin. de consensu Euangelist. lib.1.c.6.

The *man* shadowed S. *Matthew*, because hee beginneth his *Gospell* with the generation of *Christ*, according to his humanity: The *Lion* Saint *Marke*, because he beginneth his *Gospell*, from that voice of the *Lion* roaring in the wildernesse, *Vox clamantis in deserto*: The *Oxe* Saint *Luke*, because hee beginneth with *Zacharias the Priest*: And the *Eagle* Saint *Iohn*, who soaring aloft, beginneth with the *Diuinity of Christ*.

Thus haue we seene how they *pitche* their *Camps*, their *marching* followeth: and here wee are to consider: *First*, their *marching in their iourneyes* thorow the wildernesse. *Secondly*, their *marching in their battels*.

Concerning their *marching in their iourneyes*, they either *moued forward*, or *abode still*, according to the mouing or standing of the cloud, which conducted them: The manner thereof is described, *Numb.* 10. and summarily we may view it thus: when *God* took vp the cloud, *Moses* prayed, and the *Priests* with trumpets blew an alarme, then *Iudah* the first standard rose vp, with *Issachar* and *Zabulon*, and they *marched formost*; then followed the *Gershonites* and *Merarites*, bearing the boords and coverings of the *Tabernacle* in wagons. The trumpets sounded the second alarme. then *Ruben*, *Simeon* and *Gad* rose vp and *followed the Tabernacle*, and after them went the *Cohathites*, in the *midst* of the *twelue Tribes*, bearing on their shoulders, the *Arke*, *Candlestick*, *Table*, *Altar*, and other holy things. At the third alarme, rose vp the *standard of Ephraim*, *Manasses*, and *Beniamin*, and these followed the *Sanctuary*; vnto this *Dauid* hath reference, when he prayeth, *Psal.* 80. 2. *Be-*

fore Ephraim, Beniamin, and Manasses, stirre vp thy strength, and come and saue vs. At the fourth alarme, arose the *standard of Dan, Asher*, and *Naphtali*; and to these was committed the care of *gathering* together the lame, feeble, and sicke, and to look that nothing was left behinde: whence they were called the *gathering host*, *Iosh.* 6. 9. vnto this, *Dauid* alludeth; When my Father and my Mother forsake me, the *Lord* will *gather* me, *Psal.* 27. 10.

Concerning their *marching in warre*. *First*, the *Priests* sounded the alarme with trumpets, *Numb.* 10. 9. this they termed [l] *Terugnah*. *Secondly*, one *Priest* was selected out of the rest, to stirre vp the hearts of the people, and by a kinde of hortatory Oration, to encourage them to the warre, *Deut.* 20. 2. him they called *Vnctum belli*, The *anointed of the battell*. *Thirdly*, they marched on by fiue and fiue in battell aray, *Exod.* 13. 18. so the [m] originall signifieth in that place.

In the last place, we are to consider how they were to deale in besieging a Towne, for the conceiuing whereof, note these *two propositions*.

1. *They were to offer peace vnto all forreiners, and Canaanites, Deut.* 20. 10. And this is cleerely signified, *Iosh.* 11. 19. There was not a City that made peace with the children of *Israel*, saue the *Hiuites*, the inhabitants of *Gibeon*, all other they tooke in battell. For it was of the *Lord* to harden their hearts. Yet here *Moab* and *Ammon* are excepted, *Israel must not seeke their peace*, *Deut.* 23. 6.

2. *They were to make couenant with none of the seuen Nations, Deut.* 7. 2. *Exod.* 23. 32. & 34. 14. With *forreiners they might*, *Iosh.* 9. 7. peraduenture you dwell

[l] תרועה clangor, Vociferatio. Hebræi duplicem clangorem esse statuunt alterumque vocari. הקיעה alterum הרועה quorum ille æquabilis est vox, hoc illum confusque fragor: ille ad conuocandos cœtus, hic ad accendendos militum animos factus. [m] חמושים

dwell among vs, and how shall wee *make a couenant* with you? Not, how shall we *make peace* with you.

Some may question, what the difference was betweene *making peace*, and *making a couenant*? I answer, *twofold*. 1. The *making of peace* was a naked stipulation, or promise mutually made, for the laying aside of all hostile affections towards each other, whereby life on both sides might bee secured: *Making a couenant*, was a solemne binding of each other to performance of this mutuall promise, by outward ceremonies of [n] cutting a beast in twaine, and passing between the parts thereof, *Ier.* 34.18. as if they would say; *Thus let it be done to him, and thus let his body be cut in two, who shall breake this couenant.* Secondly, *peace* was not concluded by the *Israelites*, but onely vpon these termes, *that the people should become tributary vnto them*, *Deut.* 20.11. The *making of a couenant* was vpon equall termes, without any condition either of tribute or seruice, as is gatherable from the *couenant* made by *Ioshua* with the *Gibeonites*, where there is no mention of any condition at all, *Ioſh.* 9.

This difference seemeth to me warrantable, and serueth to reconcile many places of Scripture, as where *God* saith; *offer peace to all*: and *make a couenant with none*. *Secondly*, it sheweth the fraud of the *Gibeonites* to bee greater than is commonly conceiued, for they sought not *peace simply, but a couenant*. *Make a league with us*, *Ioſh.* 9.6. *Thirdly*, it salueth that common obiection, made in defence of *vnadui-sed oathes*, to proue them *obligatory*, though *vnlawfull*. The argument is framed thus: *The couenant which Ioshua made with the Gibeonites vnaduiſedly*

[n] Hæc est causa cur Hebræi Fœdus faciens, dicant. ברה התכריה (i.) Diuidere, aut dissecare fœdus: quemadmodum apud Latinos, dicitur Percutere fœdus, q. e. locutio fluxit ab antiqua fœderis faciendi more. Sacerdos enim ferebat porcum silice, dicens, Sic à Ioue feriatur is, qui fœdus hoc fregerit fœdus, vt ego hunc porcum feriо. Liuius Decad. 1. lib. 1. pag. 17.

was vnlawfull: but that was obserued by him, and the breach thereof, when Saul slew the Gibeonites, punished by God, 2 Sam. 21. 1. Therefore, &c. I say it saueth that obiection, because if we diligently obserue *Ioshuahs* practice, we shall finde *vnaduised oathes* to be so farre, and *only so farre binding*, as they agree with *Gods word. Gods Word* required the *Gibeonites* should haue their liues secured, because they accepted *peace*; thus farre therefore the *couenant was still of force: Gods word* required, that the *Canaanites* after the acceptation of peace should become *tributary*; here the *couenant was not of force*, and therefore *Ioshuah* made them *hewers of wood, and drawers of water, which is a kind of tribute in the language of the Scripture*, a tribute of the *body*, though not of the *purse*, in which sense the *Ægyptian task-masters*, are in the originall called *tribute-masters*, *Exod.* 1. 11.

Chap. IX.

Their Measures.

Measures in vse among the *Hebrewes*, and so among all other Nations, they are of *two sorts*: some *Mensuræ applicationis, measures of application*, as a span, a cubit, a yard, and the like. Secondly, *Mensuræ capacitatis, Measures of capacity*, as pints, quarts, pecks, bushels, &c. *Measures of application*, mentioned in Scripture, are these that follow; in which that there might bee no deceit, the ground of these measures, was the breadth of so many, or so many barly corns middle sized laid by one another. אצבע *Etsbang, Digitus, A finger, an inch.*

one

[a] It containeth the breadth of ſix barly cornes ioyned together where they are thickeſt: though in round reckoning, it goeth for an inch, yet in accurat ſpeaking [*] *foure fingers make three inches.* Of this there is mention, *Ierem.* 52.21.

[a] *Arias Montan. Thubal Cain.*

[*] *Quatuor digiti conſtituunt tres pollices Franc. Iunius in Ezek* 40.5.

Palmus, this was two-fold; *Palmus minor*, and *Palmus maior.* The leſſer containeth the breadth of *foure fingers*, (i.) *three inches*: the *Hebrews* terme it, טפח *Tophach*, the *Greeks* παλαιστὴ: the greater is termed זרת *Zereth*, by the *Greeks* σπιθαμὴ; in *Latine*, *Spithama*, & *Dodrans.* It containeth the meaſure that is betweene the thumbe and the little finger ſtretcht out, *A ſpanne.*

פעם *Pagnam*, *Pes*, *A foot*, It containeth [b] *twelue inches.*

[b] *Quatuor palmos ſcil. minores. Pet. Martyr. 1. Reg. c. 6.*

אמה *Amma*, *Cubitus*, *A cubit.* We ſhall finde in Authors mention of *foure kinds of cubits.* 1. *Cubitus communis*, this was the meaſure from the elbow to the fingers end; it contained a foot and halfe. *or halfe a yard*, it is called the *common cubit.* 2. *Cubitus ſacer*, *An holy cubit*, this was a full *yard*, containing *two of the common cubits*, as appeareth by comparing 1 *King.* 7.15. with 2 *Chro.* 3.15. In the firſt place the pillars are reckoned each of thē *eighteen cubits* high: in the ſecond place, they are reckoned *fiue and thirty cubits* high; which together with the baſis, being one ordinary *cubit* high, *doubleth the number*; ſo that the firſt text, is to bevnderſtood of *holy cubits*: the ſecōd, of *common cubits.* 3. *Cubitus regis*, the *Kings cubit*; this was [c] *three fingers longer than the common cubit*: Whereas the common cubit is termed *cubitus viri*, the *cubit of a man*, *Deut.* 3.11. *Onkelos* doth improperly terme it *cubitum regis*, the *Kings cubit.* Laſtly, the

[c] *Herodot lib. 2. in deſcript. Babyl.*

there was *cubitus geometricus*, *A geometricall cubit*, it contained *six common cubits*, [d] and according to *these cubits*, it is thought that *Noahs Arke was built*.

[d] *Orig. hom. 2 in Genes. & August. de Civitat Dei lib. 15. cap 27.*

Some make the difference betweene the *cubit of the Sanctuary*, and *the common cubit*, to be thus: *The common cubit*, they say contained [e] *fifteene inches*; the *holy cubit* [f] *eighteene inches*. But that the *holy cubit contained two common cubits* hath beene evidently proved, and it is probable, that those who make the difference to be only *three inches*, have mistaken the *Kings cubit* for the *holy cubit*.

[e] *Quinos palmos.*
[f] *Sex palmos.*

חבל *Chebel*, *Funiculus*, A *line* or *rope*. The iust length thereof is vnknowne, the vse thereof, was to measure grounds, whence it is sometimes taken for the inheritance it selfe. The *lines* are fallen to mee in pleasant places, *Psal.* 16. 6. That is, mine *inheritance*.

קנה *Kaneh*, *Arundo*, the *Reede*. The vse of this, was to measure buildings; the length thereof was *six cubits and an hand-breadth*, *Ezek.* 40. 5. The cubits in this place, are * interpreted *Kings cubits*: it was lesse liable to deceit than the *rope*, because it could not bee *shortned*, or *lengthened*, by *shrinking* or *stretching*; hence the *Canon* or *rule* of the holy *Scripture* is mystically typed out by this *Reede*, *Ezek.* 40. And *Reuel.* 21. 15.

* *Tremellius in hunc locum.*

To these may bee added other *measures*, wherewith they measured their *wayes*, and *walkes*. The least of these was צעד *Tsagad*, *Passus*, A pace.

Στάδιον, *Stadium*, *A furlong*. It is often mentioned in the *New Testament*, not at all in the *Old*. [g] It contained *one hundred twenty five paces*, which is the eighth part of our mile. Some thinke it to be called so ἀπὸ τῆς στάσεως, from *standing*, because *Hercules ran so much*

[g] *Isidor.*

much ground, before he stood still.

Milliarium, A mile: it containeth with vs a thousand paces, but much more among the *Hebrewes*. Their word ברה *Barah*, translated often *Milliarium*, properly signifieth *A dinner* or *meale*; and being applyed vnto *iourneyes*, *walkes*, or *wayes*, it signifieth so much ground as vsually is gone, or conueniently may be trauelled in halfe a day, *betweene meale and meale*, or *bait and bait*. The word is read, *Gen.* 35.16. When there was (כברת הארץ *Cibrath haarets*) *about halfe a dayes iourney of ground*. The *Greeke* in that place hath an vncouth word χαβρὰθ, doubtlesse it was made from the *Hebrew Cibrath*, and signifieth *halfe a dayes iourney*.

Their *measures of capacity*, termed *Mensuræ capacitatis*, were of *two sorts*. Some for *dry things*, as corne, seed, &c. Some for *liquid things*, as Wine, Oyle, &c. In both that there might bee a iust proportion obserued, all their measures were defined by a set number of *hen egge shels of a middle size*.

In my paralleling of them with our measures, where I speake of *Bushels*, *Halfe-Bushels*, *Peckes*, &c. I am to bee vnderstood according to *winchester measure*, as we phrase it, such a bushell containeth *eight gallons*. Where I speake of *Gallons*, *Pottles*, *Quarts*, &c. I am to be vnderstood according to our *Ale-measure*, thereby I auoid fractions of number.

קב *Kab*, *Kabus*, *A Kab.*[a] This contained *twenty foure egges*, it held proportion with our *Quart*. The least measure mentioned in Scripture, is the *Fourth part of a Kab*, 2 *King.* 6.25. The famine in *Samaria* was so great, that a *fourth part of a Kab of dones dung* was sold for fiue pieces of siluer. The *Rabbines* haue

[a] *Arias Montan. Thubal Cain.*

a Proverbe, That [b] *ten Kabs of speech descended into the world, and the women tooke away nine of them.*

עמר *Omer.* It contained * *one Kab and an halfe, and a fifth part of a Kab,* that is, *Three pints and an halfe pint,* and a fifth part of an halfe pint. It was the tenth part of an *Ephah, Exod.* 16. 36.

סאה *Seah,* σάτον, *Satum,* the *Latine* Interpreters commonly render it by *Modius.* It contained [c] *six Kabs,* that is, *A gallon and halfe.* We translate the word in generall *A measure:* To morrow this time a *measure* (that is, a *Satum*) of fine flower shall be sold for a Shekel, 2 *King.* 7. 1.

אפה *Ephah.* It contained [d] *three Sata,* that is, *halfe a bushell and a pottle.*

לתך *Lethec.* It contained [e] *fifteene Modios* (i.) *Sata;* that is, *two bushels, six gallons and a pottle.* Mention of this is made, *Hos.* 3. 2. It is there rendred in *English, halfe an Homer.*

חמר *Homer.* It is so called from חמור *Chamor, Asinus, an Asse;* because this measure contained so much graine or come, as an Asse could well beare. It contained *ten Ephahs, Ezek.* 45. 11. that is, *Forty five gallons,* or *five bushels and fiue gallons.*

כור *Cor, Corus.* The *Cor* and the *Homer* were of the same quantity, *Ezek.* 45. 14. It was not onely of liquid things, *Luk.* 16. 7.

These measures of which we have spoken hitherto the *Hebrewes* vsed in measuring of *dry things:* Three other measures there were, which they vsed for liquid or *moist things.*

לוג *Log.* It contained [f] *five egge shels.* It was of the same quantity as the *fourth part of a Kab,* Halfe a pint.

[b] *Vid. Buxtorf. Lexic. in* היה

* *Alfted. praecog. tlecd. lib. 2 p. 583.*

[c] *Vid. Buxtorf. Lexic. in* קבב *ex opere R. Alphes. tractat. de pas. h. cap. 5 fol. 176.*

[d] *Arias Montan. in Iubal Cain.*

[e] *Epiphan. de mensur. & Ponderib.*

[f] *Buxtorf. in loco superinscitato.*

הין *Hin.* It contained the quantity of *seuenty two egge-shels*, so that it was of our measure *three quarts*. g 3 measures.

בת *Bath*, בתוס, *Bathus*, the *Bath*. It was of the same capacity with the *Ephah*, *the tenth part of an Homer*, *Ezek.* 45. 14. The *Latine* interpreters commonly render it *Cadus*. h *Hierome* writing vpon *Ezekiel*, renders it *Vadus*. *Decima pars Cori, inquit, in speciebus liquidis vocatur bathus, siue vadus.* I sometimes thought there had beene some errour in the print, namely *Vadus* put for *Cadus*: But now I finde the *Greekes* to vse both βατος and βαδος for this measure, and from the last of these *Greeke* words, that ancient *Father* reades it *Vadus*. Sometimes our *English* renders it in generall *A measure*, *Luke* 16. 6. It contained *foure gallons and an halfe*. h Hieron. Ezek 45.

All these measures were proper to the *Hebrewes*, I finde three others mentioned in the *N. T.* taken from other Nations.

Σεξτης *Sextarius*. We *English* it in generall, *A pot*, *Marke*. 7. 4. i it was of the same quantity with the *Log*, if we vnderstand it of the *Romane Sextarius*. It was somewhat more, if wee vnderstand it of the *Attick Sextarius*, *vndecim Attici sextarij æquabant Romanos duodecim*. In probability we are to vnderstand the *Romane* measure, so that it contained *six egges*, that is, *halfe a pint*. i Aliud precij. Thal. p 561.

χοινιξ, *Chenix*. A *measure*, *Reuel.* 6. 6. It signifieth properly that measure of corne, which was allowed seruants for their maintenance euery day. Whence was occasioned that speech of *Pythagoras*; *Super Chœnice non sedendum*, that is, *wee must not rest vpon the prouision which sufficeth for a day, but we must take*

k Budæus de asse. lib. 5.

care for the morrow. It contained[k] foure Sextarij, that is, A quart.

Μετρητὴς, Metretes, Ioh. 2. 6. It is translated A Firkin. It was a measure in vse among the Athenians.[l] It was of the same quantity with Cadus, and Cadus (as before was noted) was equall to the Hebrew Bath, so that it contained foure gallons and an halfe.

l Budæus de asse. lib. 5.

Chap. X.

Their Coynes, first of brassen Coines.

That they might haue iust Coines and weights, they weighed both them and their weights by barly cornes.

Λεπτὸν, Minutum, A mite, Luke 21. 20. Mark. 12. 42. The latter Hebrewes call it פרוטה the Syriake שמונא (i. Octaua, the eighth part of Assarium.)[m] It weighed halfe a barley corne. It valued of our money, three parts of one c.

m פרוטה משקל חצי שעורה. Mass. Kesef. fol. 124. Col. 4.

Κοδράντης, Quadrans, A farthing. It was a Roman coine, weighing a graine of barley, it consisted of two mites. The poore widow threw in two mites, which make a farthing, Marke 12. 42. by consequence it valued of ours c.[1].

Ἀσσάριον, Assarius, vel Assarium. It was a Roman coine weighing foure graines. The Rabbines call it איסור Isor, and say that it containeth * eight mites. Of this wee reade, Matth. 10. 29. Are not two sparrowes sold for (an Assarium) our English readeth it for a farthing? It valueth of ours in precise speaking, q[2]-q

* Brusius in praet. Lut. 12. 59.

Their

Their ſiluer Coines.

גרה *Gerah.* It was the twentieth part of the Shekel of the Sanctuary; *A Shekel is twenty Gerahs, Exod.* 30. 13. It was the leaſt ſiluer coine among the *Hebrewes*; It valued of ours 1 ♁. *ob.*

אגרה *Agorath.* Wee Engliſh it in generall, a *peece of ſiluer*, 1 *Sam.* 2. 36. But it appeareth by the *Chaldee Paraphraſe*, that it is of the ſame value with *Gerah*, that *Paraphraſe* renders both מעא *Megna*, by the *Greeke* they are both rendered κόλλυβος, the value thereof therefore is 1 ♁. *ob.*

קשיטה *Keſhita.* The word ſignifieth a *lambe*, and is vſed for a certaine *coine* among the *Hebrewes*, on the one ſide whereof the image of a *lambe* was ſtamped, our *Engliſh* readeth it in generall a *peece of money*. *Iacob* bought a parcell of a field for an hundred *peeces of money*, *Gen.* 33. 19. In the originall it is for an hundred *lambs*. But it is apparent, that *Iacob* paid *money*, for *S. Steuen* ſaith, he bought it for *money*, *Act.* 7. 16. In the iudgement of the *Rabbins*, it was the ſame that [n] *Obolus*, [o] *twenty of them went to a Shekel*, So that the value thereof was 1 ♁. *ob.*

[n] *R. Solom. Gen.* 33. 19. *R. Dauid. in lib radic. & Leui ben Gerſ. Gen.* 33. 19.

[o] *Druſ. ad diſſic. Iuca Gen. p.* 119.

כסף *Ceſeph*, ἀργύριον, *Argenteus*, *a peece of ſiluer*; as the *Romans* numbered their ſummes by *Seſterces*, in ſo much that *Nummus* is often-times put abſolutely, to ſignifie the ſame as *Seſtertius*; ſo the *Hebrewes* counted their ſums by *Shekels*, and the *Grecians* by *Drachmæ*, hence *Argenteus*, *A peece of ſiluer*, being put abſolutely in the *Bible*, if mention in that place be of the *Hebrew coines*, it ſtandeth for a *Shekel*, and valueth 2 ♂. 6 ♁. if it ſtand for the *Shekel of the Sanctuary*: if it ſtand for a *common Shekel*, then it valu-

eth 1 ß. 3 D. But if mention bee of the *Greeke coines*, as *Act.19.19.* then it signifieth the *Attick Drachma*, which valueth of our money 1 D. *ob.*

ᵖ Brerewoode de num.

Δεπτὺο. *Luke* 15. 8. ᵖ It was a *quarter of a Shekel*, and thus by consequence it valued of ours 7 D. *ob.*

Δίδραχμον, *Didrachmum*, *Matth.* 17. 24. Wee *English* it *Tribute-money*: The *Syriak* readeth הרין דוזין *Duo Zuzim*, now that coine which was termed *Zuz* by the *Hebreves*, was answerable to the *Romane denair*, whence it appeareth that it valued of ours 1. ß. 3. D.

Στατὴρ, *Stater*. Wee English it a *peece of money* at large, but it contained precisely *two Didrachma*. For the *Tribute money* to bee paid for each person, was *Didrachmum*, as is euident; *Matth.* 17. 24. and this *Stater* was paid for *two*, namely for *Christ* and *Peter*; the value of it therefore was 2 ß. 6 D.

Δηνάριον, *Denarius*, *A penny*. This was their *Tribute money*, *Matth.* 22. 19. There were ᵗ *two sorts of pence* in vse among them; the *common penny*, which valued of ours 7 D *ob.* And the *penny of the Sanctuary*, which valued 1 ß. 3 D. For it was answerable to their *Didrachmum*, and of this last wee must vnderstand Saint *Matthew* in this place, for their *Tribute money* was *Didrachmum*, as before hath beene noted out of *Mat.* 17. 24. This *Didrachmum*, or *halfe Shekel*, was formerly paid by the *Israelites*, ᶠ euery yeare after they were twenty yeares old, towards their *Temple*, *Exod.* 30. 13. *Cæsar* by taking away this money from the *Temple*, and changing it into a *Tribute* for his *owne coffers*, did in truth take away from *God* that which was *Gods*. Hence in that question proposed vnto *Christ*, *Is it lawfull to giue tribute vnto Cæsar or*

ᵗ Trem. el Matth. 22. 19.

ᶠ Aben Esra Nehem. 10. 32.

not?

not? Christ answereth, *Render vnto Cæsar the things that are Cæsars, and vnto God the things that are Gods.*

This very Tribute afterward was paid by the Iewes towards the *Roman Capitoll*, by vertue of a decree made by *Vespasian*. t Ioseph de bello lib. 7. cap. 26.

רוּבַע זוּז, It was the *fourth part of a Shekel of siluer*; It valued therefore of ours 7 d. ob. רוּבַע זוּז *Rua Thuus.*

שֶׁקֶל *Shekel, Siclus, A Shekel.* It was two-fold, *Siclus regius, The Kings Shekel*, of common vse in buying and selling, it valued 1 s. 3 d. And *Siclus Sanctuarij, The Shekel of the Sanctuary*, it valued 2 s. 6 d.

The *Shekels of the Sanctuary* were of *two stampes*. The one was alwayes in vse among the *Iewes*: the *thirty peeces of siluer which Iudas receiued, are thought to be thirty Shekels of the Sanctuary*. It had stampt on the one side, the *pot of Manna*, or as others thinke *Aarons Censer*, or *Incense cup*: the inscription on this side was שקל ישראל *Shekel Israel, The Shekel of Israel*: on the reuerse side, was stampt *Aarons rod budding*, with this inscription about the Coine, ירושלם הקדושה *Ierúschalaim hakedúschа.* After the comming of our *Sauiour*, the *Iewes* which were conuerted to the *Christian faith*, t changed their *Shekel*, and on the first side stampt the *Image of Christ* with שׁ at the mouth of the Image, and י in the pole, which three letters made his name *Iesu*. On the reuerse side there was no picture, but the whole rundle was filled with this inscription, משיח מלך בא בשלום ישוע מארם עשרי יהי (i.) *Messias rex venit in pace, & tuus dominus fiduciæ vitæ.* In some coines, for the latter clause of that inscription is read, אדם עשרי יהי (i.) *Deus homo est fiducia.* t Allied precy. Theol. p. 550.

The

The *Kings Shekel* in *Dauid* and *Salomons* time, had ſtampt on the one ſide, a kinde of tower ſtanding betweene ירו and מלם and vnderneath was עיר חקרש. The whole inſcription was, *Ieruſalem vrbs ſanctitatis:* On the reuerſe ſide, the rundle was filled with this *Hebrew* ושלמה המלך ודוד המלך i. *Dauid rex, & filius eius Solomon rex.*

The *Shekel* againe was diuided into leſſer *coines*, which had their denomination from the parts thereof. Thus we reade of the halfe *Shekel*, *Exod.* 30. 13. The *third part of a Shekel*, *Nehem.* 10.32. The *quarter of a Shekel*, 1 *Sam.* 9.8.

Their gold Coines.

זהב *Zahab.* The *Engliſh* readeth it, *A peece of gold*, 2 *King.* 5.5. By it is meant, that which elſewhere is called *Siclus auri*, *A Shekel of gold*, 1 *Chron.* 21. 25. Hence the one thouſand ſeuen hundred *peeces of gold* mentioned, *Iudg.* 8. 26. The *Greeke* renders 1700. [u] *Shekels of gold.* [x] The weight of this Coine was two *Atticke drams*, the value 15 ß.

[u] Σίκλοι χίλιοι, &c.
[x] Brerewood de nummis.

אדרכון *Adarcon*, of this we weade, *Eſr.* 8.27. It was alſo called דרקמון *Drakmon*, of which we read, *Eſr.* 2. 69. Both theſe names ſeeme to denote the ſame coine, if not, yet both were of the ſame weight. The *Greeke* interprets them both by δραχμὴ, and our *Engliſh* accordingly renders both *A Dramme:* which muſt bee vnderſtood of the *Drams* in vſe among the *Hebrewes*, weighing two *Attick drams*. From the *Greeke* δραχμὴ, *Drakmon* ſeemeth to haue had its name. [y] Hee coniectureth not amiſſe, who thinketh that *Adarcon* was ſo called, *quaſi Daricon*, which

[y] Brerewood de nummis.

which was a certaine coine of gold in vſe among the *Perſians*, and from *King Darius* (whoſe image one ſide thereof bore) was named *Daricon*, and ד amongſt the *Chaldeans* is often prefixed before a word, as ת is amongſt the *Hebrewes*. The value of this coine was of ours 15.ſ.

Their Summes.

Their *Summes* were *two* מנה *Maneh*, *viz*, *Mina*, a *Pound*. In *gold* it weighed *one hundred Shekels*. This appeareth by comparing theſe texts, 1 *King*. 10. 17. *Tres* מנים *Manim*, *Three pound* of gold went to one ſhield. Now we reade, 2 *Chron*. 9. 16. *Three hundred Shekels* of gold went to one ſhield. The name *Shekels*, is not expreſſed in the originall, but neceſſarily vnderſtood, as appeareth in that which was ſpoken of *Zahab*. For it is a receiued rule, that in Scripture, *Aurum* being put with a *numerall*, ſignifieth ſo many *Shekels of gold*: and ſo *Argentum* in like manner. The weight thereof then being *one hundred Shekels*, it followeth that the value was 75. li. In *ſiluer* their *Maneh* weighed *ſixty Shekels*, *Ezek*. 45. 12. ſo that it valued 7. li. 10. ſ. Note, that [a] *Sheindler* was deceiued, in ſaying that the price or value of the *Maneh*, was changed in *Ezekiels* time, becauſe it then valued 60. *Shekels*, for the difference is not betweene the ſacred and prophane *Maneh*, as *Sheindler* conceiueth it; but betweene the *Maneh* of gold, which was valued at an hundred *Shekels* alwayes, and the *Maneh* of ſiluer, which weighed 60. *Shekels*, according to the forequoted place in *Ezekiel*.

[a] *Sheindler in* מנה

The ſecond ſumme was ככר *Cicar, Talentum, A Talent.* This if it were *of ſiluer*, it cõtained in weight *three thouſand Shekels.* For thoſe two verſes being compared together, *Exod.* 38.25,26. ſheweth that *ſix hundred thouſand* men, paying euery man *halfe a Shekel*, the whole ſumme amounteth to an *hundred talents*; whence it followeth, that A *Talent of ſiluer* amongſt the *Hebrewes*, was 375. l. But a *Talent of gold* (the proportion of gold to ſiluer being obſerued) was twelue times as much, ſo that it valued of ours, 4500. l.

In this tract of their coines we are to know *three things.* Firſt, that as the *Romans* in the former ages, vſed, *Æs graue, Bullion money*, vnſtampt, which in the *Maſſe* or *Billot* they weighed out in their paiments; and afterward, *Æs ſignatum, coined metals:* So the *Hebrewes*, though at laſt they vſed *coined money*, yet at firſt they *weighed their money, vncoined*; *Abraham weighed to Ephron the ſiluer*, *Geneſ.* 23.16. Hence the *Shekel* had its name from שקל *Shakal, Ponderare, libr are, To weigh*, or *put in the ballance. Secondly*, as the coined *Shekel* was *two-fold*, one for the vſe of the *ſanctuary*, the other for the vſe of the *Common-wealth*, & that of the *Sanctuary*, was double the price of the *other:* So the *weight of the Shekel* is to be diſtinguiſht after the ſame manner; the *Shekel of the Sanctuary* weighed *halfe an ounce Troy weight*; the cõmon *Shekel* weighed *a quarter of an ounce.* For example, *Goliahs ſpeares head weighed ſix hundred Shekels of the Sanctuary*, 1 *Sam.* 17.7. that is, *twenty fiue pound weight: Abſaloms haire weighed two hundred Shekels after the Kings weight*, 2 *Sam.* 14.26. that is, *fowre pound*

weight

weight and two ounces. Yea the summes, which I haue reckoned only *according to the Sanctuary*, in common vse *according to the Kings weight*, they abate halfe their value.

Thirdly, the lesser coynes were in generall termed Κόμματα, or in the singular number Κόμμα, *Iohn* 2. 15. The word signifieth properly a small quantity, or little peece of metall, such as may bee clipt off from coynes. [a] *Vpon the first of the moneth Adar Proclamation was made thorowout Israel, that the people should prouide their halfe-Shekels, which were yearely payed toward the seruice of the Temple*, according to the commandement of *God*, *Exod.* 30. 13. [b] On the *twenty fifth of Adar*, then they brought *tables* into the *Temple* (that is, into the *outward court* where the people stood) on these *tables* lay these Κόμματα, or *lesser coines*, to furnish those who wanted *halfe Shekels* for their offerings, or that wanted *lesser peeces of money*, in their payment for oxen, sheepe, or doues, which likewise stood there in a readinesse in the same court to bee sold for sacrifices: but this supply of *lesser coines*, was not without an *exchange* for other money, or other things in lieu of money, and that vpon aduantage. Hence those that sate at these *tables*, as chiefe *bankers* or *Masters of the exchange*, they were termed Κερματισταὶ, in respect of the *lesser coines* which they exchanged; in respect of the *exchange* it selfe, they were termed Κολλυβισταὶ, for [c] Κόλλυβος signifieth the same in *Greeke*, as *Cambium* in *Latine*, whence those *letters of Exchange*, which the *Latines* call *Literas cambij*, the *Greekes* call ἐπιστολὰς Κολλυβιστικὰς, *Tickets*

[a] *Moses Kotsens. de Sicilia fol. 122. col. 2.*

[b] *Moses Kotsens. ibid.*

[c] Κόλλυβος, inquit Pollux, παρὰ τὸ κολλᾶν ἀργύριον. *Dauid Drus. Annot. in N. Test. part. alter.*

kets of exchange; in respect of the tables at which they sate, they are termed by the Talmudists שולחנים Schulchanim, from שולחן Schulchan, Mensa; for the same reason they are sometimes termed by the Greekes τραπεζῖται, and by the Latines Mensarij. These are those changers of money, which our Sauiour droue out of the Temple.

FINIS.

תהלה לאל חי

THE NAMES OF AVTHORS cited in this Booke.

A

Aben Esra.
Aboth. vid. Pirke aboth.
Æschines.
Alexander Neapol.
Alstedius.
Ambrosius.
Aquinas.
Aristoteles.
Arias Montanus.
Aristophanes. Aureliæ Allobrogum. 1607
Artemidorus.
Athenæus.
Augustinus. Coloniæ Agrippinæ. 1616

B

Baal turim.
Beda.
Bellarminus.
Bertramus.
Beza.
Bodinus.
Brerewood.
Buxtorfius.
Budæus.

C

Caninius.
Capnio. vid. Reuchlin.
Carion.
Casaubonus.
Cœlius Rhodiginus.
Chazkuni.
Chemnitius.
Chimchi, alias R. Dauid Kimchi.
Chrysostomus.
Clemens Alexandrinus.
Cicero.

Concilium quinum sextum.
Cyrillus.
Cyprianus.
Cunæus. Lugduni Batauorum. 1617

D

Demosthenes. Venetijs. 1554
Diodorus Siculus.
Dionysius Halicarnass.
Drusius de tribus sectis. Franekeræ. 1619.

E

Elias Thisbites.
Epiphanius.
Erasmus.
Euripides.
Eustathius.
Eusebius.

F

Fvccius.
Fagius.
Firmicus.

G

Galatinus. Francofurti 1612
Gellius.
Genebrardus.
Gerionides.
Gregorius Nazianzen.
Gyraldus.

H

Herodianus.
Herodotus.
Hesiodus.
Hieronymus. Basileæ 1516
Homerus.
Horatius.
Hospinianus. Tiguri 1611

I

Ialcut. Cracouiæ 1595
Ianssenius.
Iosephus. Aureliæ Allobrog. 1611
Ionathan.
Iunius.
Iustin. Martyr.
Iustin. histor.
Iuuenalis.
Ilmedenu.

K

Kimchi. vid. Chimchi.

Lactantius.

L

Lactantius.
Laertius.
Leui ben Gerſom.
Lipſius.
Liuius.
Lucanus.
Lucianus.
Lyranus.

M

Macrobius.
Magius.
Maimonides lib. Iad. Venetijs. 1574.
Maſius.
Maximus Tyrius.
Montacutius.
Moſes Kotſenſis. Venetijs. 1557.
Munſterus.
Muſar.
Modeſtus.

O

Oecumenius.
Onkelos.
Origines.
Ouidius.

P

Philo Iudæus. Coloniæ Allobrog. 1613.
Pirke Aboth.
Plautus.
Plinius.
Pierius. Baſileæ. 1575
Plutarchus.
Procopius.
Prudentius.

R

Reuchlinus (pro quo citatur Capnioperperam) Francofurti. 1612
Roſinus.
Ruffinus.

S

Seder olam minus.
Septuaginta interpretes.
Serarius.
Scaliger { De emend. temp. Lutetiæ. 1583 / Tribæreſ. Franekeræ 1619
Sheindler.
Sigonius.
Scholiaſtes Ariſtophanis.
Solomon Iarchi.
Solinus.
Sozomenus.

Sozomenus.
Statius.
Stukius.
Suetonius.
Suidas.
Syrus interpres.

T

Talmud Babylonicum.
Talmud Hierosolymitanum
Targum Vzielidis, siue Ionathanis.
Targum Onkelos.
Targum Hierosolymitanum.
Tertullianus. 1609
Theophylactus.
Theodoretus.
Theophrastus.
Tholosanus.
Tubilus.
Tiraquellus.
Toletus.
Tremelius.

V

Vatablus.
Valerius Max.
Varro.
Virgilius.

X

Xenophon. Basileæ 1569

Z

Zepperus.
Zohar.

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